



**FACULTY OF LAW SCIENCES
SCHOOL OF INTERNATIONAL STUDIES**

**“ANALYSIS OF THE OPEN DOOR POLICY, IN THE ECONOMIC AND
SOCIAL SCOPE IN ECUADOR 2013 - 2017”**

**GRADUATION WORK PRIOR TO OBTAINING A BACHELORS’S DEGREE
ON INTERNATIONAL STUDIES, BILINGUAL MENTION IN FOREIGN
TRADE**

AUTHOR:

DANIEL ALBERTO SEMPÉRTEGUI MOSCOSO

DIRECTOR:

Dr. ANA MARÍA BUSTOS CORDERO

CUENCA-ECUADOR

2018-2019

DEDICATION

I want to dedicate this work, the product of hard work and dedication:

To God, for guiding me and accompanying me on this long journey.

My parents, Fernando Sempértegui and Catherine Moscoso for always supporting me even in the most difficult moments, for giving me strength to continue on the road despite adversity, always giving me education with good values to be a good human being and for their unconditional love.

To my siblings, Pedro and Maria Fernanda for being a fundamental part throughout my life.

To Belén Egas for the love that gives me every day and her support that inspires me to achieve new goals, teaching me that things should be done with the heart, but with very firm feet on the ground.

My family for always looking out for me and accompanying me throughout this process.

My friends: Álvaro, Edison, Gorky, Santiago, Juan Diego, and everyone else, for always giving me their support and time in this road, becoming a family to me.

GRATITUDE

I especially thank my tutor and teacher Ana Maria Bustos for her patience, constructive criticism and great knowledge that contributed to the development of this work, thank you for your trust and support in my college life.

My teachers, for guiding me and promoting in my critical thought in each of their subjects, contributing in my academic and personal growth.

To Universidad del Azuay, an institution that has marked great moments in me, allowing me to meet many people who have contributed to develop new ideals with a more objective thought.

To the migrants, who despite their situation, openly greet me with a smile for conducting surveys.

To Franklin Ortiz and Eileen Perez for giving me their time to get to know their views on this work.

Finally, each of the people who in some way or another have contributed to perform this work.

INDEX OF CONTENTS

DEDICATION	i
GRATITUDE	ii
TABLE INDEX	vi
FIGURE INDEX	vii
ABSTRACT	viii
INTRODUCTION	1
CHAPTER ONE	3
Dynamics of migration processes in Latin America	3
1.1. Migration as a socioeconomic phenomenon	3
1.1.1. Migration.....	3
1.1.2. Immigration.....	4
1.1.3. Emigration.....	4
1.1.4. Refugee status	5
1.2. Analysis of theories and approaches on migration	6
1.2.1. Classical school.....	6
1.2.2. Austrian School.....	7
1.2.3. Ravenstein's Approach	8
1.2.4. Neoclassical School	9
1.2.5. Theory of the dual labor market.....	11
1.3. The migratory phenomenon in the international context	11
1.3.1. Universal Declaration of Human Rights	12
1.3.2. International Organization for Migration, IOM	14
1.3.3. United Nations High Commissioner for Refugees, UNHCR.....	16
1.4. Migration processes in Latin America	17
CHAPTER TWO	23
The right to free mobility in the Ecuadorian legal system	23
2.1. International treaties on migration, signed and ratified by Ecuador	23
2.2. Migration in Ecuador after the 2008 Constitution	29
2.2.1. Human right to free mobility: Ecuadorian case as of 2008.....	29
2.3. Organic Law of Human Mobility.....	33
2.4. National Plan of Good Living in the Open-Door Policy.....	37

2.5. Ministry of Foreign Affairs and Human Mobility	41
2.6. Migration Police.....	44
CHAPTER THREE	46
Effects of Open-Door Policy in Ecuador	46
3.1. Analysis of the migratory flow to Ecuador	47
3.2. Situational analysis of migrants	54
Question 1. Age	55
Question 2. Sex	55
Question 3. Nationality	56
Question 4. Civil Status	56
Question 5. Migratory Condition or Status	57
Question 6. Profession	57
Question 7. Year of arrival to the country.....	58
Question 8. Place of residence in Ecuador.....	59
Question 9. Number of people in your family group.....	59
Question 10. When you arrived in the country, did you do it in the company of your family?	60
Question 11. Do you have family or friends residing in the city?	60
Question 12. What was the reason for you to emigrate from your country of origin?.....	61
Question 13. What was the way through which you entered Ecuador?	62
Question 14. Reason why you settled in Ecuador.....	63
Question 15. Do you think that people in Ecuador have an open attitude towards foreigners? Specify.	64
Question 16. EMPLOYMENT. Are you currently working? Specify in what.	66
Question 17. Hours in which you work	67
Question 18. Do you think that the remuneration you receive in your work is fair? Why?	67
Question 19. How many members of your family work? Specify in what.	68
Question 20. REMITTANCES. Of the money you receive for your employment, do you send part of it to your family in your country of origin? Specify a percentage.	70
Question 21. HOUSING. The place where you currently live is?	71
Question 22. Do you currently have access to basic services? Mark with an X the ones you have.	72
Question 23. HEALTH. Do you have access to optimal health for you and your family? Why?	72

Question 24. Do you have some sort of life or health insurance? Specify what and why.	73
Question 25. EDUCATION. If you have children. Do your children have access to education? (Primary, Secondary, Upper Level). Specify.....	75
Question 26. The educational institution that you children belong to is...?	76
Question 27. Would you return to your country of origin? Why?	76
3.3. Economic effects of migration.....	78
3.4. Social effects of migration	79
CONCLUSIONS	83
RECOMMENDATIONS	85
REFERENCES	86
ANNEXES	91
APPENDIX 1	91
APPENDIX 2.....	96
APPENDIX 3.....	103

TABLE INDEX

Table 1. International instruments signed by Ecuador.....	26
Table 2. IOL Conventions subscribed by Ecuador	28
Table 3. Rights of foreigners in Ecuador stipulated in the OLHM	35
Table 4. Obligations of foreigners in Ecuador stipulated in Art. 53 of the OLHM	36
Table 5. Types of Visa in Ecuador.....	44
Table 6. Immigration to Ecuador in the period 2013 - 2017.....	48
Table 7. Immigration in 2013	50
Table 8. Immigration in 2014	51
Table 9. Immigration in 2015	51
Table 10. Immigration in 2016	52
Table 11. Immigration in 2017	53

FIGURE INDEX

Chart 1. Age.....	55
Chart 2. Sex	55
Chart 3. Nationality	56
Chart 4. Civil Status.....	56
Chart 5. Migratory condition or status.....	57
Chart 6. Profession	57
Chart 7. Year of arrival to the country.....	58
Chart 8. Place of residence in Ecuador	59
Chart 9. Number of people in your family group	59
Chart 10. When you arrived in the country, did you do it in the company of your family?.....	60
Chart 11. Do you have family or friends residing in the city?.....	60
Chart 12. What was the reason for you to emigrate from your country of origin?.....	61
Chart 13. Others.....	62
Chart 14. What was the way through which you entered Ecuador?	62
Chart 15. Reason why you settled in Ecuador	63
Chart 16. Others.....	64
Chart 17. Do you think that people in Ecuador have an open attitude towards foreigners?.....	64
Chart 18. Why?.....	65
Chart 19. EMPLOYMENT. Are you currently working?	66
Chart 20. Specify in what	66
Chart 21. Hours in which you work.....	67
Chart 22. Do you think that the remuneration you receive in your work is fair?	67
Chart 23. Why?.....	68
Chart 24. How many members of your family work?	68
Chart 25. Specify in what	69
Chart 26. REMITTANCES. Of the money you receive for your employment, do you send part of it to your family in your country of origin?	70
Chart 27. Percentage.....	70
Chart 28. HOUSING. The place where you currently live is?	71
Chart 29. Specify	71
Chart 30. Do you currently have access to basic services?	72
Chart 31. HEALTH. Do you have access to optimal health for you and your family?	72
Chart 32. Why?.....	73
Chart 33. Do you have some sort of life or health insurance?.....	73
Chart 34. Which?.....	74
Chart 35. Why?.....	74
Chart 36. EDUCATION. Do your children have access to education?.....	75
Chart 37. Which?.....	75
Chart 38. The educational institution that you children belong to is...?	76
Chart 39. Would you return to your country of origin?.....	76
Chart 40. Why?.....	77

ABSTRACT

After the implementation of the open-door policy, Ecuador has received large migratory flows, however, there has not been a timely follow-up of people who are in a situation of human mobility and the effects brought about by the increase in foreign citizens in the country.

Therefore, the purpose of this research is to analyze and determine the social and economic impacts of the change in Ecuadorian legal regulations related to human mobility, analyzing and comparing the testimonies of migrants and experts.

INTRODUCTION

The present research work seeks to demonstrate the socio-economic effects that the open-door policy in Ecuador has had on domestic and foreign citizens. In 2008, President Rafael Correa said that Ecuador was a country of free mobility, where foreigners had the same rights as Ecuadorians, but it was not until 2013 that the national plan of good living was implemented in which government proposals to regulate human mobility in Ecuadorian territory were generated; which were applied in 2017 with the organic law of human mobility.

The subject of human mobility has been addressed by different authors such as Adela Pellegrino with her book called "Latin American and Caribbean migrants: historical overview and recent trends" and Ernst Georg Ravenstein, with his book "The Laws of Migration" where they speak clearly on the causes and structures of migration. In Latin America there are many studies that have been conducted around human movement, causes and consequences; but in Ecuador there are no analyses of the impact that migration has had on people both economically and socially.

Therefore, this research aims to determine the socio-economic effects of the open-door policy in Ecuador, since the National Plan of Good Living was generated in 2013, until the National Assembly of Ecuador approved the Organic Law of Human Mobility in 2017 and thus, contributed to improving Ecuador's migration policy.

The methodology used to meet those objectives was the review and analysis of international migration processes, reviewing the Ecuadorian legislation and collecting information through surveys conducted with immigrants and interviews with experts in the area of study.

On the following pages concepts will be reviewed on the issue of migration and theories and approaches related to it will be analyzed, also the work done by international organizations responsible for protecting migrants will be described. In the second chapter the Ecuadorian legal regulations will be reviewed, explaining clearly and concisely the

policies of the Ecuadorian state. Finally, in the third chapter the data obtained in the research showing the effects produced by migratory flows towards Ecuador is determined.

CHAPTER ONE

Dynamics of migration processes in Latin America

1.1. Migration as a socioeconomic phenomenon

1.1.1. Migration

There are several definitions for a phenomenon that has occurred since the beginning of humanity and therefore is considered a broad term in content. Migration occurs when a social group, either human or animal, decides to move from one geographical point to another one, looking to improve the quality of life of its members. For academic reasons, this work will be developed around human migration, for the search to settle in places with more social, economic and political opportunities. Then concepts will be collected that allow to adequately comprehend what the term "migration" means, in addition to referring to the differentiated realities that are subdivided into what is considered as human migration.

The International Organization for Migration, states that migration is a “generic term used to describe a movement of people in which coercion is observed, including the threat to life and livelihood, either by natural or human causes. (For example, movements of refugees and internally displaced people as well as people displaced by natural or environmental disasters, nuclear or chemical disasters, famine or development projects)”. (IOM, 2018).

In turn, the United Nations as the lead agency on an international level defines the migrant term as “someone who has resided in a foreign country for more than a year regardless of the reasons for their moving, voluntary or involuntary, or the means used, legal or others. However, common usage includes certain types of shorter-term migrants as seasonal agricultural workers who travel for short periods to work on planting or harvesting of agricultural products” (United Nations Organization, 2018).

Michael Kearney and Bernadette Beserra in their book “*Migration and Identities, a Class-Based Approach*”, state that migration is “a movement that crosses a significant boundary that is defined by a political system -an order, formal or informal- so that crossing it affects an individual's identity”(Kearney and Beserra, 2002). Looking at the variety of definitions that exist on migration, it can be concluded that the term refers to a person who leaves a country to reside in another; however, two realities derived from the same term are presented but have a difference between them.

1.1.2. Immigration

The term immigration is regarded as a derivative of the word migration, since the latter has a general concept and the term immigration is much more specific, because it defines the movement of a person from one territory to another.

By knowing the broadness of the term migration, the first division to be interpreted is immigration, which according to the Royal Academy of the Spanish Language (RAE), is detailed in three concepts that can be contextualized considering whether migration is performed on a national or international basis; the first is to arrive in a foreign country to settle there; the second is considered as settling in a different location from where a person lived within the country (domestic immigration or in the same country) in search of better means or livelihood opportunities. Finally, RAE defines it as: to settle in a different place from the territory of origin (Royal Spanish Academy of Language, 2018).

Likewise, IOM defines immigration as “a process by which non-national people enter a country in order to establish themselves” (IOM, 2018). Consequently, it can be seen that these two types of institutions are consistent with their respective definitions as to what is considered immigration.

1.1.3. Emigration

Similarly, the term emigration is considered to be the second subdivision of migration, defined as the process by which a person leaves their country of origin to settle in another country or region. This definition makes emigration a synonym for the word migration and an opposite term to what was previously defined as immigration.

As in previous definitions, RAE states that migration is when a person leaves his own country to settle elsewhere or even leave the place of habitual residence in search of new and better livelihoods in a country abroad (RAE, 2018).

The International Organization for Migration defines migration as the "act of leaving a State for the purpose of settling in another. International human rights standards establish the right of everyone to leave any country, including his/her own. "(IOM, 2018). For this reason, only in certain circumstances the state may impose restrictions on this right, such as border closures that prevent or control access of foreign citizens to their geographical boundaries. On the other hand, bans on leaving the country consist of a person being unable to leave the country in which they are located; this measure usually rests on judicial injunctions.

1.1.4. Refugee status

At the end of World War II the term known as Refugee Status related to the immigration and emigration definitions originated, but is mainly established as protection and assistance to victims of war, and according to the United Nations Organization United is defined as "a group of people who are outside their country of origin for fear of persecution, conflict, generalized violence, or other circumstances which have seriously disturbed public order and therefore require international protection". The refugee definition can be found in the Geneva Convention on the Status of Refugees of 1951, as well as in regional instruments concerning refugees and the Statute of the United Nations High Commissioner for Refugees (UNHCR) (United Nations Organization, 2018).

In other words, a refugee is someone who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and is unable or, owing to such fear, is unwilling to avail the protection of their country; or who, not having a nationality and as a result of such events outside the country of his former habitual residence and is unable or, owing to such fear is unwilling to return to it. "(Convention relating to the Status of Refugees, 1951).

1.2. Analysis of theories and approaches on migration

Migration has been a global phenomenon, it is a problem that has triggered changes in the economy, society, culture and policies of states that over time have seen the need to safeguard their interests and ensure the needs of their citizens. It is a fact that has led different scholars to find an explanation regarding migration flows and what may be the main causes that determine migration as a phenomenon affecting countries.

However, it is currently not possible to find a specific theory on migration internationally, but these have been developed separately and there is collection of different authors who have established their theories or approaches about what migration is and reasons why this phenomenon happens and have been classified according to the material presented. In this case, Jaime Gomez Walteros in his work "International Migration: Theories and Approaches, a current look" (2010), collects a number of schools and approaches about migration thinking, defining and aligning them under different factors that will be presented below.

1.2.1. Classical school

Jorge Durand and Douglas Massey (2003) use the term neoclassical economic migration theory to refer to this school. It is considered one of the most influential theories besides being the oldest of all existing theories. This theory is based on six fundamental aspects of the mobility of people that were cited by Jaime Gomez Walteros in his work, "the first, as a necessary link for development of production through free mobility of factors" (Smith), the second "as part of the individual's choice in the exercise of individual freedoms" (Smith), the third "motivated by wage differences" (Smith, Marx, Malthus), the fourth "by population growth, understood in this case as super population "(Malthus), the fifth "by substitution of economic activities" (Marx), and the sixth and last aspect that indicates that migration is due to the "search for well-being" (Smith, Malthus) "(Gómez, 2010).

These postulates have been constituted in the first approaches to migration and represent a theory that did not focus on the search for an answer to the migratory

phenomenon itself but rather the authors mentioned above relate it to the development of human beings and the search for well-being, as well as the accumulation of capital or the economic and political dependence of a world power as Marx maintained in his statements on this subject.

In other terms, classical theory justifies human migration as the will of individuals to seek their personal well-being, appropriate wages and better living conditions, represented in the need to find a place where the individual feels more productive. (Massey et al., 1998). In addition, it focuses on the ability of the person to understand the cost-benefit that influences the decision to move from one place to another, such as material costs, physical, cultural and language-related, psychological costs, among others.

1.2.2. Austrian School

For this school two of the most significant representatives are Ludwig von Mises and Hayek. Although Mises does not speak directly about migration, a connection can be made with liberalism and the liberal principles that is developed and that Mises exposes. On the other hand, Hayek, who is also a defender of liberalism, has favored aspects of migration directly in his work and, according to Gómez (2010), "asks for tolerance with the foreigner" because the diversity of people in society benefits the productivity since it increases the production, commerce and competition, and also thinks that the population growth of a country is important for the economic development. (Gómez, 2010).

On the other hand, the liberalism that Mises and Hayek defend, indicates that the decision to migrate comes from the idea of improving productivity due to the constant changes that occur in productive and labor conditions. The recognition of the work of a foreign person must be constant, because, if contemporary cases are analyzed, individuals from other countries not only increase production, trade and competition within the same state, but also perform the jobs that a national population does not want to do.

In conclusion, this theory can be a justification of the migratory process from the perspective of the countries that host the migrants because the individuals that come from other parts of the world generate growth in the production of a country thus increasing its

economy because there is competition between domestic factors of production in a country, generating friendly and sustainable competition.

1.2.3. Ravenstein's Approach

Ernst Georg Ravenstein is considered by many to be one of the most influential authors and the father of migratory theories. Because "it is the first to raise the theory of migration with theoretical arguments and a practical approach" (Gómez, 2010). His most important and transcendental work concerning the field of migration is called "The Laws of Migration" written in 1885 and has been used by other authors in the area to provide a theoretical perspective on the study of migration. Ravenstein presents six laws to explain his approach: 1. Migration and distance. He points out that migrants who travel long distances go to places where there are large industrial and commercial centers. 2. Migration in stages. It consists of the fact that migration takes place in stages, it starts from the rural area towards a small city and from there to a city with greater growth within the country. 3. Current and countercurrent of the migratory flow. All migratory flows are contrary. This means that emigrants leave from the country as also immigrants arrive in the same country. 4. Urban-rural differences in the propensity to migrate. The inhabitants of rural areas tend to emigrate more than people from large cities. 5. Technology and communications. The more technology and communications advance, the more migratory processes are facilitated and the number increases. 6. Predominance of the economic motive over other reasons. The principal argument used by the neoclassicals is that the economic situation of development is the main reason why most people emigrate from their countries of origin (Gómez, 2010).

It is important to highlight the work of Ravenstein in terms of migration issues, since these six laws will be used to theoretically argue the present case study, giving an understanding of the motives and the impact generated by the migration phenomenon. Joaquín Arango, in his work: "the laws of migrations of E.G. Ravenstein, a hundred years later" points out that, although the similarity presented, between the approach of the German author and the neoclassical theory, allows to be a theoretically solid instrument, due to the reasons analyzed above; however, we are still far from finding or presenting a

"theoretical and analytical framework" that allows us to understand migration in their different determinants, mechanisms and consequences. (Arango, 1985) For this reason the work presented by this author will be taken into account, because one hundred years ago Ravenstein managed to understand the importance of migration contextualizing it in its laws.

1.2.4. Neoclassical School

This school is developed around the economic aspects and is based on the reasons why the decision is made to emigrate from one country to another. One of the causes arises because of the desire of people to increase their income due to the salary difference that occurs between countries. Likewise, Jaime Gómez Walteros points out that the "decision to emigrate is identified with the so-called 'rational choice'", with the objective of maximizing a utility function with certain expected net income; the migratory movement is, then, the manifestation of the mobility of factors to make the best alternative use of these, where in the macro level it is considered a theory of the so-called spatial redistribution of the production factors in response to different relative prices " (Gómez, 2010).

Five approaches are presented that argue the explanation of the neoclassical representatives with respect to the decision of an individual to migrate internationally. 1. The approach of the theory of economic development. This approach, in the framework of the dual economies developed in the work of Arthur Lewis, is based on the existence of two sectors, one is the least advanced sector dedicated to subsistence agriculture or as it is also known, the traditional sector; and the other is an industrial sector, with greater capacity for expansion and integrated into an international market. Lewis suggests that those individuals who are in the traditional sector migrate to the industrial sector for salary reasons. 2. The focus of the individual decision. According to Michael Todaro, this approach is based on the choice of the individual under the "economic rationality", it means that everything is due to the search for individual well-being also argued by the existing wage differences between two countries, in addition to the differences that appear between the individuals. 3. The approach to family strategy. This approach determines

that family ties are determining factors when making the decision to emigrate, because the opportunity to increase wage income is to cover family expenses and thus be able to provide a better quality of life to all those who are part of the family system, it should be emphasized that there is a wide difference between the mobilization of the family as a whole and the mobility of certain members of the family. 4. The new economy of labor migration. This approach is based fundamentally on the work carried out by the author Oded Stark in 1993, which explains this theory in three parts; first, the decision to emigrate exceeds the concept of personal or individual improvement and includes other members of the family circle, emphasizing the benefits produced by remittances as a result of working abroad; the second, the migration phenomenon exceeds the wage differences that are presented and establishes that other factors such as relative poverty or the dilemma of the incomes to be received must be taken into account; the third part represents the imperfections that arise in the market and the irregularities that occur in information and technology which leads to the emigration of individuals. 5. The convergence approach. This indicates that there is "a relationship between migration, development and poverty, which explains that countries have to be involved in economic integration policies to achieve convergence in economic development, thus overcoming the burdens of poverty that allow to counteract the causes that originate international migration." (Gómez, 2010).

As has been stated in the previous cases, the reason why individuals tend to migrate is mostly the economic factor, which has influenced the decision of people to leave their places of origin to settle in areas with greater development, as Ravenstein explains in his approach that shares certain similarities with what Lewis also stated. Migration is interpreted from less to more, in this case, individuals from rural areas tend to migrate to large cities, areas or regions that have greater productive capacity and that allow them to have economic stability. For the analysis of this thesis, we will take into account what was presented by Arthur Lewis, as well as the approach presented by Ravenstein, emphasizing the points that determine the reasons that motivate the individuals of a society to migrate.

1.2.5. Theory of the dual labor market

This theory is marked by what was developed by Michael J. Piore, who argues that migration at the international level is deeply marked by the high demand and need for labor in industrialized countries and not by the high rate of unemployment or low wages in the countries of origin, which produces a segment within the labor market. (Massey, et al., 1998). In addition, it is developed on the basis that this demand is produced because individuals from developed countries do not want to perform certain jobs since they do not like them, which makes countries need foreign labor that is willing to do the jobs that their own society does not want to do. (Gómez, 2010)

According to this theory, the dual labor market does not affirm or deny that people make a rational decision on this issue. Consequently, it should be taken into account that all the theories refer to migration as a phenomenon caused by economic factors that influence people to leave their homes for the pursuit of their well-being and personal improvement. This theory contradicts in one way or another what has been said by other theories, saying that migration is the product of the demand in industrialized countries for foreigners to come and perform jobs that the national population does not want to do and not because of the need of people for low wages or unemployment.

Finally, by carefully analyzing the theories and approaches presented above in the context of international migration, it can be concluded that the vast majority of scholars interpret migratory phenomena are due specifically to causes related to the economy and wage differences between one country and another; also they emphasize that this measure is due to a rational decision of the individual who sees the need to develop personally, thereby seeking a better life for themselves and their family. This triggers social, political and cultural issues that must be addressed as a complement to the theories and approaches, as this phenomenon is characterized by a set of factors rather than individual factors.

1.3. The migratory phenomenon in the international context

Over time, many standards have been part of a conglomerate of provisions implemented by the customs of people. Later in 1948, the Universal Declaration of Human

Rights, and the World Declaration on equality and dignity are born, which has inspired many treaties and conventions relating to migration and protection of human rights. Among these and some considered the most important are: The International Accord on Civil and Political Rights (1966), which gives foreigners the right to free mobility in a territory provided they have entered legally. The International Accord on Economic, Social and Cultural Rights (1966) states that everyone has the right to enjoy good working conditions as well a fair wage. The International Accord on the Elimination of All Forms of Racial Discrimination (1965), considers any difference in treatment between citizens and foreigners as discrimination. The International Convention on the Protection of the Rights of All Migrant Workers and their Families (1990), ensures the protection of all workers from other countries.

Likewise, there are also several conventions within the framework of the International Labor Organization, such as the Convention on Forced Labor (1930), the Migrant Workers Convention (1949), the Convention on Migration in Abusive Conditions and the Promotion of Equal Employment, Opportunities and Treatment of Migrant Workers (1975). In addition, the Convention on the Statute of Refugees (1951), Protocol on the Statute of Refugees (1967), Convention on the Statute of Stateless People (1954) and the Convention to Reduce the Cases of Stateless People (1961), among others. All these aforementioned international instruments have been accepted by International Organizations the purpose of which is the protection, care and reincorporation of people who have left their countries of origin for various reasons and constitute the normative source for the fulfillment of their objectives. (Office of the High Commissioner for Human Rights, nd)

1.3.1. Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was proclaimed in Resolution 217 A (III) of the United Nations General Assembly in the city of Paris, France on 10 December 1948, under the gaze of representatives of the 58 Member States of the Organization of the United Nations at that time. The UDHR is considered a norm of customary international law to collect precepts, which gives it the character of a Soft Law

type instrument because it lacks coercive force to be fulfilled (United Nations, 2018); In addition, one of its main features is the introduction of common ideals that all people and nations have to comply, which has been a milestone in world history by being the first time that fundamental human rights were established. (UN, 2018)

It should be considered within international law there are different conventions and declarations that protect human rights; However, the main instrument for the protection of these is the Universal Declaration of Human Rights, which consists of 30 articles in which basic civil, economic, political, cultural and social rights that should be recognized are listed all human being around the world.

By analyzing the content of the UDHR, one can find a subjective relationship with immigration. Article 1 alludes to the fact that all human beings are born free in the same conditions, equal in dignity, rights and should act fraternally towards each other.

Article 2 contemplates the principle of international legal regulation of higher incidence on immigration, which refers to that everyone has the same rights and freedoms, and as cited in the Article these are proclaimed without distinction of race, sex, color, language, religion, political opinion, national or social origin, among others:

"Everyone has all the rights and freedoms proclaimed in this Declaration, without distinction of race, color, sex, language, religion, political opinion or any other, national or social origin, economic position, birth or any other condition. Furthermore, no distinction shall be made based on the political, legal or international status of the country or territory whose jurisdiction a person depends on, whether it is an independent country or a territory under fiduciary, non-autonomous administration or subject to any another limitation of sovereignty."
(Universal Declaration of Human Rights, 1948).

Article 7 expresses the right to equal protection by law, in this article it is determined that all individuals are equal before the law and have the explicit right to legal protection against all forms of discrimination.

Everyone has the right to freedom of movement and residence within the territory of a State; also, they have the right to leave any country, including his own, and to return to their place of origin. This is determined in Article 13, which proclaims that every individual regardless of their place or country of origin has the right to move freely throughout the territory in addition to the right to choose where to settle.

Article 14 states the right of everyone to seek asylum in any country in case of persecution as long as this right is not invoked for common crimes. In this case everyone has the right to request asylum in any country in the world, if they feel persecuted because of their race, sex, religion, for political reasons, among others. However, asylum cannot be granted if the reason for the persecution is for common crimes under the laws of the country.

Furthermore, the Universal Declaration of Human Rights has other articles that refer to the duty to protect the rights of migrants and the right for their legal personality to be recognized (Article 6); Everyone has the right to a nationality and are not deprived of the same or change their nationality (Article 15); Everyone has the right to social security; also to get the satisfaction of their economic, social and cultural rights for the free development of their personality (Article 22); Everyone has the right to work, to receive a fair and favorable remuneration, and form unions to defend their interests (Article 23); right to an adequate standard of living, health and welfare (Article 25); Everyone has the right to education (Article 26); In addition, people have duties with respect to the community, because they can freely and fully develop their personality, in exercise of their rights and the enjoyment of their freedoms, everyone will be subject only to the limitations established by law as an end to recognize and respect their rights and freedoms (Article 29). (Universal Declaration of Human Rights, 1948)

1.3.2. International Organization for Migration, IOM

The International Organization for Migration, IOM was established in 1951 due to the chaos and displacement generated in Western Europe after World War II under the name of Provisional Intergovernmental Committee for the Movement of Migrants from Europe, PICMME. This committee was intended to help governments in Europe to find

resettlement for about 11 million people uprooted by the war and during the fifties arranged transportation for around one million migrants.(International Organization for Migration, 2018)

In later years, the IOM as it is currently known has undergone several changes in its name, since its inception in 1951 until 1989 it has changed name three times; Intergovernmental Committee for European Migration, CIME (1952), Intergovernmental Committee for Migration, CIM (1980), and finally became the International Organization for Migration, IOM (1989). These transformations of the Organization for around fifty years of international presence is reflected in its growth so it has gone from a logistics operation agency, to be an organization that deals with everything related to migration.(International Organization for Migration, 2018)

The International Organization for Migration as the lead agency internationally for Migration works with its partners in the international community, including governments and civil society to promote understanding on migration issues and addressing the growing challenges of migration management at the operational level, encourage social and economic development through migration, as well as ensuring human dignity and the well-being of migrants.(International Organization for Migration, IOM, 2018)

At the moment, the organization works in different fields of action which are divided into three main departments and these have sub-departments: Department of International Cooperation and Partnerships (International Dialogue on Migration, Migration Law, Partnerships and Policies and Migration Research); Department of Migration Management (Immigration and Border Management, Migration and Climate Change, Migration and Development, Assisted Voluntary Return and Reintegration, Migration and Health); and the Department of Operations and Emergencies (Property Division, Real Estate and Indemnification and Humanitarian Emergencies).(International Organization for Migration, IOM, 2018)

Currently, IOM is working with the governments of Latin American countries in public policies for migrants; also, it is tracking migratory flows and supports the relocation

of thousands of Venezuelan citizens displaced by the crisis in Venezuela, especially in Brazil.(International Organization for Migration, IOM, 2018)

1.3.3. United Nations High Commissioner for Refugees, UNHCR

The High Commissioner of the United Nations for Refugees, UNHCR, was established on December 14, 1950, five years after the end of World War II, its creation is given in order to support millions of Europeans displaced by the armed conflict that took place between 1939 and 1945. The General Assembly of United Nations gave UNHCR a mandate to complete the work for which it was created and subsequently dissolve, the mandate had a duration of three years. However, despite the time elapsed UNHCR continues to fulfill its functions and now there has been almost 68 years of international presence pursuing its main objective, that is, to provide international protection to refugees, returned, stateless, internally displaced and asylum-seeking people, and other people that the United Nations High Commissioner for Refugees deals with, in addition to finding solutions to the problems that arise in the international panorama as well as providing and guaranteeing the provision of humanitarian assistance.,(UNHCR, 2018)

During its existence, UNHCR has worked to safeguard the rights and welfare of people who, for economic, political, social, among others have been forced to leave their homes and flee by the different factors that have propelled them to leave their countries of origin. UNHCR has helped millions of people around the world to start their life again, "it helps restoring destroyed past and to build brighter futures"(UNHCR, UN Agency for Refugees, 2018). The benefits that the Agency provides are: protection, shelter, education and health, it has benefited millions of people and intends to continue to fulfill its goals and ideals.

UNHCR has an international presence on five continents, more than 130 countries where its team works from major world capitals to the furthest and more remote areas, which can often turn out to be dangerous but this does not stop them from fulfilling its mission. According to the United Nations High Commissioner for Refugees, only 7% of

its staff works at the Geneva headquarters and 87% of staff in the field, assisting victims of displacement.(UNHCR, the United Nations Agency for Refugees, 2018)

The work of the Agency in Latin America has been instrumental in the development of the region, as well as for the thousands of millions of people who are part of the great migration flow in the Latin American territory. To this end, UNHCR is working with the political commitment of many countries to resolve the situation of refugees, seeking to intervene in countries of origin, as well as the ones considered transit countries and subsequently asylum countries.

Currently, UNHCR is supporting the implementation of the Action Plan of Brazil, whose main objective is to work and maintain the highest standards of international and regional protection; It also seeks to implement new alternatives to solve the situation of displaced people and with a refugee status, with the ultimate goal of ending the difficulties faced by these people (30th anniversary of the Cartagena Declaration Refugee 1984, 2014). On the other hand, UNHCR is responding to the forced displacement that has particularly affected countries of northern Central America, and the areas most affected by the problems caused by the signing of the peace agreement in Colombia that has led to demobilization of the Revolutionary Armed Forces of Colombia (FARC), which has caused conflict over control of territories by other armed groups. Finally, the Agency had to take emergency action on the situation being experienced by Venezuela, which has forced the mobilization of millions of Venezuelan citizens to countries in the region and for this reason are living in unfavorable conditions, so UNHCR is asking for support from the international community to provide support to all those who have left their homes in Venezuela.(United Nations Agency for Migration, 2018)

1.4. Migration processes in Latin America

International migration is an issue of great relevance, due to the implications and effects involved in both the sending countries and the receiving countries. It is therefore necessary to analyze the history of migrations, especially in Latin America, which has been marked by large population movements from the time of the conquest.

According to Adela Pellegrino, extracontinental migration in Latin America and the Caribbean have been instrumental in the area's population. Thus, for over five hundred years of history, it is divided into four important phases for understanding human movement in the region, these stages begin with the territorial occupation by the kingdoms of Spain and Portugal.(Pellegrino, 2000)

The first stage began with the conquest and ended with the independence of the countries of Latin America and the Caribbean, whose struggles for independence on average began in 1810, with the exception of Haiti that was the first country in the region to become independent from France in 1804. This movement was trying to consolidate colonization, dominating indigenous peoples, and taking possession of their territory and wealth. In addition, they brought slave labor for large plantations and works. Unlike North America, in the southern region, the conquistadors came from Spain took total control of migration, ensuring that all emigrants were subjects of the kingdom (Mörner, 1985). Although the population that emigrated from Spain represented a lower percentage, it was they who had control and power over the native population of the continent; In addition, it should be emphasized that many of emigrants from the Iberian country were male, because of the uncertainties and dangers that a trip of such magnitude posed. As Adela Pellegrino says: "This colonization of single men naturally favored miscegenation and the number of mestizos increased steadily throughout the colonial period" (Pellegrino, 2000).

The second migratory phase occurred from the second half of the nineteenth and early twentieth centuries, a period in which the region, especially the countries comprising South America received a great migratory flow from the European continent. Once the colonies were able to emancipate themselves from the Spanish yoke, these new nations adopted a policy of free entry into their territories. Europeans were tempted to come to America, attracted by the large tracts of territory that could be acquired at low costs, cheap labor, abundant raw material and laws favoring the bourgeois class. Not only European migrants came to the South American continent, large numbers of labor from Asia were also mobilized because of the shortage of African labor that came to the mainland, but in much smaller volumes. To understand this stage more clearly, it is necessary to review migration theories and approaches to determine which is the right way to explain this

process. In this particular case, the phase can be understood as a process of the Classical School by the determination of individuals from Europe who entered the Americas for the large tracts of land at low costs that could be contrasted with the development of production through free mobility of factors. Another important point is population growth in America that was still limited to what could be found in Europe. It could also be understood that a factor that caused the migration from the old continent to America is that citizens from Europe could invest in American lands starting new businesses and the possibility to develop and the pursuit of personal and family welfare.

The vast majority of European migrants chose the United States as their immigration destination. However, towards the end of 1880, an important group of European immigrants settled in the territories of Argentina which has been the Latin American country where there was the most foreign interference and where the government decided more by what they considered the European "civilization" and leaving worthless those who were not white or in other words referring to the Indians or foreigners from Asia or Africa who came to be only labor, categorizing them as "barbaric". It is here that the intent to break the colonial principle of excluding foreigners begun, giving them greater importance and attracting mostly people coming from Europe, as featured in Article 25 of the Constitution of 1853 in Argentina where it is specified that the Argentine government "will encourage European immigration". In addition, laws were enacted among which the one with greatest impact was the Immigration and Colonization law from 1876, also known as the Law of Avellaneda and was aimed at regulating the arrival processes, recruitment, placement and establishment of immigrants in Argentine territory from 1890 and was in force until 1981. (Schwarz, 2012)

Uruguay and Chile likewise received immigrants from Europe, Asia and Africa, but to a lesser extent. In these cases, these countries also managed a policy of open doors and receiving of European immigrants; Uruguay held the same policy as Argentina, but on a smaller scale and in the Chilean case, because of the abolition of slavery by the Chilean Congress in 1811, and the lack of manpower so that incorporating workers in the nitrate mines in northern Chile was necessary, which lead to immigration of workers from other parts of the world besides the European continent. The rest of Latin America also

received immigrants, but in smaller numbers than those of the aforementioned countries. The need for labor by certain Latin American countries, as in the cases mentioned above, represents the statement of the Austrian School stating that the diversity of people in a society benefits the productivity of the host country, increasing the economy, trade or internal and international competition, in addition to the jobs that were performed were those that the national population did not want to perform or as a result of the lack of manpower to fill the positions.

During the three decades' posterior to 1846 and with the culmination of liberalism, there was a stalemate in the arrival of foreigners to American territory, a profound idea and nationalist thinking was established, which led to the installment of laws regulating these migratory flows and which in turn began racist and xenophobic movements. (Pellegrino, 2003) "The obsession with miscegenation appears to be above all a corollary to the cultural policy of whitening in Latin America. In Mexico, Venezuela, Ecuador, Colombia and Brazil, to name a few cases, public authorities encouraged European white immigration as a way to replace the work force of indigenous or African people and prohibited the entry of blacks or Asians." (Pinho, 2017)

A third phase is due to internal movements in the countries of Latin America and the Caribbean, and international movements between 1930 and 1960. After World War II, the Americas received the immigration influx of countries from southern Europe, Germany, Spain, Italy, Greece, as well as the Jewish population involved in the Holocaust. The subsequent recipient countries after World War II were Brazil, Argentina, Venezuela, Uruguay and to a lesser extent Chile, all this coming wave of migration from the old continent stopped in the 50s with the economic recovery that boosted the continent after the devastation they lived during the war. (Castello, sf)

As for the internal movements in Latin America and the Caribbean during the decade of the 30s, the region was embroiled in economic growth due to the crisis that the European continent was living as well as the United States of America with the crisis of 1929, also known as the Great Depression, which lasted during the 1930s. During this period, Latin American countries experienced changes in their economic model, allowing

them to move from an agro-exporting model to a more industrialized project and whose growth was internal since it focused on the local or national market. In some countries of the continent their economy diversified, as in the case of Argentina, Brazil, Costa Rica, Chile, Uruguay and Mexico and in other cases the process of industrialization began later as in Venezuela, Peru and Colombia, and other states were left behind and continued to be mainly agricultural countries until the twentieth century. (Pellegrino, 2000)

With economic growth came increases in the Latin American population, going from having 165 million people living in the region in 1950 to 441,000,000 in 1990, whose data have been collected by Adela Pellegrino from the Latin American and Caribbean Demographic Center (CELADE). In addition to an increase in the population, this period was also marked by changes in the territorial and demographic distribution of the countries of Latin America, the urban population grew by internal migration, people in rural areas were heading to big cities caused by production activities. (Pellegrino, 2000) In this context, one can contrast these arguments with the postulates presented by Ernst Georg Ravenstein, justifying that the decisions to migrate are due to urban-rural differences, wage differences and productive capacities between both sectors, which consequently generates increased population in urban areas that could justify the high growth experienced by the Latin American population in certain time periods.

Finally, the fourth phase comprises what happened in the last decades of the twentieth century and early twenty-first century and is marked by the emigration of Latin American and Caribbean people to the United States and other developed countries like Japan, Canada, many European countries, mainly Spain, UK, Netherlands, Italy and Portugal, these are considered privileged destinations to migrate to these countries. According to ECLAC, there are more than 25 million Latin American and Caribbean people living away from their home countries, and among all these, around 3 million people live in the aforementioned countries. (Ayuso-Pinyol, 2010)

In conclusion, it is necessary to make a synthesis of what was observed in this theoretical review to determine which were the main reasons that motivated individuals to leave their homes, their families and their places or countries of origin. In this context,

one can find that some factors that may cause migration are searching for better economic opportunities, personal development, among others. In addition, historical analysis of migration in Latin America allows us to understand the movements on the continent and how these have influenced the development and growth of the region, as well as crises and effects caused by this phenomenon throughout history. Finally, it is fundamental to understand history because it allows us to comprehend, based on empirical knowledge, the current situation of the countries of Latin America and how migratory policies have changed to constitute the rights of migrants and their families, as will be analyzed below in the Ecuadorian case.

CHAPTER TWO

The right to free mobility in the Ecuadorian legal system

2.1. International treaties on migration, signed and ratified by Ecuador

One can find over the years a number of international conventions, regional treaties, bilateral and multilateral agreements and national regulations that have become the policy and regulatory framework for international migration. Thus, it seeks to protect the rights of migrants around the world. The adoption of these legal instruments can promote cooperation among States, besides facilitating the development of public policies at the national level.

International law recognizes the right of all persons regardless of their immigration status to leave any country, including their country of origin; however, it cannot guarantee the entry of people to another country because the states enjoy sovereignty, which enables them to determine arbitrarily the conditions of entry and stay within their borders for all individuals.

In the Ecuadorian case, the country is a signatory to various international legal instruments such as those presented below.

It is necessary in the first instance to highlight the Universal Declaration of Human Rights, which, despite not having a binding International Treaty category, is the main international instrument for the protection of rights of which Ecuador is a part of, in which it recognizes the human right to migrate. Ecuador is signatory to the main international conventions whose purpose is to guarantee human rights, including the right to migrate, among these instruments are:

The International Convention on Civil and Political Rights agreement promotes respect for human rights and freedoms, protecting life and individuals so that they are not subjected to torture or servitude, in this context, it protects the fact that foreign citizens

that are lawfully in the territory of a State shall have the right to move freely and choose their place of residence, among others. (International Convention on Civil and Political Rights, 1966)

The International Convention on Economic, Social and Cultural Rights (1966), acknowledges that all peoples have the right to self-determination and under this law is stated that all people enjoy their own political status and are provided economic, social and cultural development for achieving their goals, and likewise ensures that everyone has the right to decent and safe work conditions, and equal opportunities to be promoted. It makes reference to social rights such as social security and education, in the first case especially for children and adolescents, and the right that everyone has the right to an adequate standard of living for himself and his family. (International Convention on Economic, Social and Cultural Rights, 1966)

International Convention on the Elimination of All Forms of Racial Discrimination (1963), considering the Universal Declaration of Human Rights, Article 2, determines that everyone has rights and freedoms without distinction of race, color, sex, language, religion, political opinion, national or social origin, property, birth or any other status, so it protects people from any kind of discrimination. In turn, this Convention affirms the need to address and eliminate in all countries of the world racial discrimination in all its forms and manifestations, showing respect for human dignity. (International Convention on the Elimination of All Forms of Racial Discrimination, 1963)

The International Convention on the Elimination of All Forms of Discrimination Against Women (1967). This Convention recognizes the fact that women continue to suffer great discrimination and notes that this violates the principles of equal rights and respect for human dignity, this is why this Convention reaffirms faith in fundamental human rights and equality between men and women, it also indicates how to achieve this equality and finally presents an action program for states that are part of the Convention to guarantee the full enjoyment of rights. (International Convention on the Elimination of All Forms of Discrimination against Women, 1967)

The International Convention on the Rights of Children (1989). The Party States to this Convention recognize that childhood is entitled to special care and assistance. All Party States shall respect the rights set forth in the Convention and ensure its application to every child who is subject to state jurisdiction without distinction subject to discrimination. In addition, it recognizes the rights to life, identity, to acquire a nationality, freedom of speech, among others. (International Convention on the Rights of Children, 1989)

The United Nations Convention against Transnational Organized Crime (2000). The Convention will provide a legal framework to effectively facilitate international cooperation to fight the activities of money laundering, illicit species trafficking, corruption, crimes against cultural heritage and terrorism or any other criminal action. (United Nations Convention against Transnational Organized Crime and its Protocols, 2000)

Protocol against the Smuggling of Migrants by Land, Sea and Air (1999). The situation of migrants is worrying especially when organized criminal groups smuggle migrants as well as perform other criminal activities. All Party States to this Protocol adopt such legislative and other measures necessary for this case to be classified as a crime, when done intentionally and in order to obtain a financial or other material benefit. In all different access paths: land, sea and air, states have the full right to suspect that any means of transport in these pathways are involved in smuggling of migrants and for this reason may authorize the registration of any means of transportation and in the case of finding evidence of the suspicion, to adopt the necessary measures against the smuggling of people. (Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000)

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment (1985). States Parties to the Convention shall take legislative, administrative, judicial and other measures to prevent acts of torture within the jurisdiction of their territories. People may not be extradited, expelled or returned to other States when there is reason to believe their life is in danger. In addition, it will ensure that acts of torture are offenses under criminal law and also ensure that States protect people who have been subjected to torture,

as well as guarantee their rights established in this Convention. (Convention against Torture and other Cruel, Inhuman or Degrading Treatment, 1985)

Table 1. International instruments signed by Ecuador

INTERNATIONAL INSTRUMENTS SIGNED BY ECUADOR		
International Instrument Name	Effective date	Date of ratification by Ecuador
Universal Declaration of Human Rights	1948	1948
International Convention on Civil and Political Rights	1966	1969
International Convention on Economic, Social and Cultural Rights	1966	2010
International Convention on the Elimination of All Forms of Racial Discrimination	1963	1969
International Convention on the Elimination of All Forms of Discrimination Against Women	1967	1981
International Convention on the Rights Children	1989	1990
United Nations Convention Against Transnational Organized Crime	2000	2002
Protocol against the Smuggling of Migrants by Land, Sea and Air	1999	2002
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment	1985	1988

Source: Compiled by Daniel Sempértegui M.

There are other international instruments that Ecuador has signed in the framework of the International Labor Organization (ILO), such documents are the ILO Convention No. 97 concerning the Protection of the Rights of All Migrant Workers and Their Families, which every member of this Convention are obligated to maintain a free service responsible for assisting migrant workers; they are also responsible of maintaining appropriate medical services for migrant workers and their families, applying to the non-discrimination typified under the agreement. (International Labor Organization Convention No. 97, 1949)

Convention No. 111 on Discrimination (Employment and Occupation). First, the convention presents the term discrimination for any effect thereof and is based on reasons of race, color, sex, religion, among others. Also, the terms occupation and employment as vocational training and admission to employment in different occupations and conditions. That is why all the members of the present agreement are obliged to grant policies that

promote equal opportunities and treatment in terms of employment whose main objective is to eliminate any type of discrimination. This agreement protects all migrant workers as long as there is no evidence that the individual performs activities that are harmful to the security of the State. (International Labor Organization, Convention No. 111, 1958)

Convention No. 118 on Equal Treatment of Nationals and Non-Nationals in the Area of Social Security. Member states can accept the obligations stipulated in this agreement that are part of the branches of social security such as: medical assistance, benefits for maternity, old age, unemployment, relatives, among others in order to have effective legislation in their territories. In addition, equality of treatment without conditions between nationals and foreigners will be guaranteed. (International Labor Organization, Convention No. 118, 1962)

Convention No. 143 on Migration in Abusive Conditions and the Promotion of Equal Opportunities and Treatment of Migrant Workers. This agreement complements Convention No. 97 and Convention No. 111. Consists of three parts, Part I. Migrations in Abusive Conditions, every member is committed to respect fundamental human rights, necessary measures must be taken in the national legislation to suppress clandestine migrations that have the illegal employment and employment of migrants as purpose, investigations of illegal employment and the transfer of information among the States in this matter. Part II Equal Opportunities and Treatment, as in the previous case, the States commit themselves to adopt national policies aimed at promoting and guaranteeing equal opportunities, equal treatment in terms of employment, social security, rights and freedoms among individuals. Part III is with respect to the Final Provisions of the agreement and its application. (International Labor Organization, Convention No. 143, 1975)

Recommendation No. 86 and No. 151 on Migrant Workers. This should have as a rule the development and use of different employment opportunities, international distribution of labor and especially in a particular case, the movement from the countries in which there is a surplus towards countries that have a deficit; in addition, governments should consult the organizations responsible for this matter of employment on issues

related to the migration of workers. (International Labor Organization, Recommendation No. 86, 1949) Recommendation No. 151 should be applied for each of Member States in their international migration policies in order to guarantee employment, based on the economic and social needs of the sending and receiving countries, which may not only affect migrants or interested parties in the short term, but also those that extend in the long term. (International Labor Organization, Recommendation No. 151, 1975)

Convention No. 29 on Forced or Compulsory Labor. This agreement dictates that every member of the International Labor Organization ratifies the agreement that obliges the elimination of forced or compulsory labor in all its forms as soon as possible. (International Labor Organization, Convention No. 29, 1930)

Convention No. 105 concerning the Abolition of Forced Labor. As in the previous case, all member countries of the International Labor Organization that ratify this agreement are obliged to abolish and not use any form of forced or compulsory labor as means of coercion or political education, as a method of mobilization and use of labor hand for economic purposes, as a measure of discipline in any workplace, as for participating in social mobilizations and as a measure of racial, social or religious punishment. Likewise, they are obliged to the immediate and complete abolition of this type of acts as described above. (International Labor Organization, Convention No. 105, 1957)

Table 2. IOL Conventions subscribed by Ecuador

IOL CONVENTIONS SUBSCRIBED BY ECUADOR		
CONVENTION N°	Date of signing	Ratification date
Convention N° 97	1978	1978
Convention N° 111	1962	1962
Convention N° 118	1970	1970
Convention N° 143	1978	-
Recommendation N° 86	1949	-
Recommendation N° 151	1975	-
Convention N° 29	1954	1954
Convention N° 105	1962	1962

Source: IOL, compiled by Daniel Sempértegui M.

Finally, all of the aforementioned instruments have been signed and ratified by Ecuador, demonstrating the commitment of the Ecuadorian State in relation to international migration and guaranteeing the fulfillment of rights, which must be enjoyed by all people regardless of their immigration status.

2.2. Migration in Ecuador after the 2008 Constitution

2.2.1. Human right to free mobility: Ecuadorian case as of 2008

The Constitution of the Republic of Ecuador of 2008, has marked a milestone by recognizing migration among its postulates as a right, this way the Ecuadorian State proposes not to identify, or discriminate against any human being as illegal, regardless of their migratory condition. That is why human mobility as a right, is contained in 58 articles between principles and rights, especially in Title II of the Constitution, Chapter Three on people and groups of priority attention, section three.

Ecuador has developed the concept of human mobility for the recognition of rights to free mobility in the country, this is derived from two sources: the national source, takes into account the reality of the country and its own migration dynamics; and the international source, which is related to compliance with international obligations and practices. This means that, for the first time, Ecuador recognizes human mobility and the universal citizenship of the people of the world and the end of the condition of foreigners as an element that represents the inequality between countries, especially the differential gap between North and South. (National Human Mobility Plan, 2018)

In article 416 of the Constitution of the Republic, on the Principles of international relations determines that the interests of the Ecuadorian people will be represented in the relations that Ecuador has with the international community and is justified in thirteen numerals of the aforementioned article, among which those that are related to what the country proposes in terms of free mobility will be taken as an example:

"5. It recognizes the rights of the different peoples that coexist within the States, especially that of promoting mechanisms that express, preserve and protect the

diverse character of their societies, and rejects racism, xenophobia and all forms of discrimination.

6. It advocates the principle of universal citizenship, the free mobility of all the inhabitants of the planet and the progressive end of the status of foreigner as a transforming element of unequal relations between countries, especially North-South.

7. Demands respect for human rights, in particular the rights of migrants, and encourages their full exercise by fulfilling the obligations assumed with the signing of international human rights instruments "(Constitution of the Republic of Ecuador, 2008)

In this context, one can observe the commitment of the Ecuadorian government to other subjects of international law, for the recognition of the rights of migrants who are in conditions of human mobility, protecting human rights and rejecting discrimination of any kind.

In addition, emphasis should be placed on the universal citizenship that Ecuador proposes in the Constitution of the Republic. Although, this concept of universal citizenship is represented in the Ecuadorian legislation, it is a term that has its origins in another time and place. It is a principle inspired by a cosmopolitan Kantian model, which focuses on the legal-political and must be built from a moral point of view and respect for human dignity. The latter is the principle that Kant called the "universal law" that is based on the moral law and says that "works externally in such a way that the free use of your discretion can coexist with the freedom of each according to a universal law. This idea is the recognition that above the particular interests of individuals is the universal interest of humanity". (Carrillo, 2010)

In addition, Kant says that "The right to present oneself in a society is based on the common possession of the surface of the earth; Men cannot spread to infinity through the globe, of which its surface is limited, and, therefore, must tolerate each other's presence,

since originally no one has a better right than another to be in a certain place on the planet". (Kant, 2003)

When analyzing the Kantian statement, it can be contrasted with the national policies and principles that are presented in order to achieve policies that integrate the particular interest of individuals, in this case a migration policy that guarantees free human mobility.

That said, Ecuador was the first country in the world to adopt the principle of universal citizenship in its Magna Carta. This measure was taken around a very important factor, the phenomenon of Ecuadorian migration that has increased since the nineties, because between 1997 and 2000 large migratory flows were generated, known as the migration stampede that ended up becoming an issue of migration with great importance for the Ecuadorian government and that of course in later years was increased by the crises that the region has experienced. This factor is decisive in the adoption of universal citizenship in Ecuador, since it seeks to obtain reciprocity in the treatment of people with Ecuadorian nationality abroad, and to treat foreigners in Ecuadorian territory in the same way. (Germán & Julián, 2014)

Likewise, it is necessary for the purposes of this investigation to differentiate clearly between the right of free mobility and the right to asylum and refuge. In Article 40 of the Constitution, the right to migrate is established and it is specified that no human being will be classified as illegal regardless of their migratory status. In addition, it indicates the actions that the different entities of the State must carry out for the proper exercise of the rights of the Ecuadorian people residing abroad, such as offering assistance to families, counseling and protection so that they can exercise their rights, promote links with the country, relatives and will encourage the voluntary return of people and protect the rights of families. This means that the State recognizes and protects in a comprehensive manner the right of people to move freely within and outside the country, respecting human rights. (Constitution of the Republic of Ecuador, 2008)

On the other hand, Article 41 is based on the recognition of the rights of asylum and refuge. Every person holding a condition of asylum or refugee status will be protected

to ensure full compliance with their rights. In addition, the Ecuadorian State shall respect and ensure the principle of non-refoulement as well as humanitarian and legal emergency assistance. In other words, this condition will be given to any individual who is in danger of losing his life, liberty, security and integrity or that of their families, so Ecuador rejects racism, xenophobia and other forms of discrimination stipulated in national legislation and international instruments to which the country belongs. (Constitution of the Republic of Ecuador, 2008)

The Constitution introduces a ban on any movement considered as arbitrary found in Article 42. The Government of the Republic of Ecuador will provide protection and humanitarian assistance to people who have been displaced as a right of them, and recognizes the right of access to food, shelter, housing and finally, medical and health services. (Constitution of the Republic of Ecuador, 2008)

In this context, displaced persons are those who are forced to move within or outside the borders of their country of origin, which in the field of international law is considered a refugee and which, according to the Geneva Convention on the 1951 Refugee Statute, could be for reasons of race, religion, nationality, membership of a social group or for their political opinions and that is living outside their national territory and that in turn does not want to benefit from protection from their country of origin. (Political Constitution of the Republic of Ecuador, 2008)

In conclusion, the national government seeks to ensure the protection and promote the socioeconomic inclusion of people who are in circumstances of human mobility, for that purpose, some objectives have been presented that ensure the achievement of what was previously established within the period between 2017 - 2021. One of the main objectives is to promote and implement a normative framework on human mobility, fundamental to develop and protect the proposed guidelines under a legal framework. (National Development Plan, 2017)

2.3. Organic Law of Human Mobility

On February 6, 2017, the "Draft Law on Human Mobility" was published in the Official Register number 938, which was approved by the National Assembly of Ecuador unanimously, and whose regulation was published in the Official Register on August 10, 2017. The Organic Law on Human Mobility (OLHM), became the strengthening of transformations, institutional and public policy proposals on migration which contemplated the worn Law on Foreigners and Migration of 1971 and that was replaced and updated by OLHM.

The Organic Law of Human Mobility, following the same outline of the Constitution of the Republic of Ecuador, has as its main objective and scope as stipulated in Article 1 thereof:

"This Act is to regulate the exercise of rights, obligations, institutionalism and mechanisms related to people in human mobility, including migrants, immigrants, people in transit, Ecuadorian returnees who require international protection, victims of trafficking and smuggling of migrants; and their families.

In the case of victims of human trafficking and smuggling of migrants, this Act is to establish the framework of prevention, protection, care and rehabilitation that the State will develop through different public policies, in accordance with the law". (Organic Law on Human Mobility, 2017)

This Law, consists of a preliminary title, which contains Chapter I, the same that details in four articles the object, principles, definitions and purposes of the Act. The First Title, is composed of five chapters that determine the rights, obligations and responsibilities of people in human mobility, referring as such to Ecuadorians who are abroad, Ecuadorian returnees, foreigners in Ecuador, temporary visitors, persons under international protection for various reasons such as asylum, shelter, human trafficking, stateless; It also determines the types of visas and naturalization. The Second Title, comprises three chapters and six sections that provide for the entering, exiting, migration control, rejection of people, removal, expulsion and travel documents, besides considering

the service of legalization of documents. Title Three, which consists of two chapters dealing with institutions and sanctioning regime of the Act. Finally, one can find the General Provisions, Reformatory Provisions, Transitional Provisions, Derogatory Provisions and Final Provisions.

For study purposes, Section I of the Act that presents in twelve articles the definitions, rights and obligations of foreigners who are in Ecuadorian territory will be analyzed. Foreigners have the right to responsible free mobility and safe migration, all persons other than an Ecuadorian national shall have the right to migrate respecting their rights and their personal integrity, in addition to this the Ecuadorian State shall promote the principle of universal citizenship and free human mobility responsibly as it is determined in the Constitution of Ecuador (Art. 43), the Organic Law on Human Mobility and the National Plan for Human Mobility. Also, they are entitled to apply for immigration status, this means that foreigners can apply for immigration status under national law (Art. 44). According to Article 46, foreigners have the right to participate and be socially organized. All foreigners have the right to access to justice on equal terms, regardless of the immigration status they hold, a foreigner shall have the right to justice and guarantees of due process for the protection of their rights (Art. 47). Right to the integration of children and adolescents, the children of citizens from other countries are entitled for state institutions whether public or private to guarantee adequate and easy access to culture, history and traditions of Ecuador for their effective integration in the Ecuadorian society (Art. 48). Right to political participation when the time of legal residence of a foreigner in Ecuador has reached at least 5 years, they have under the Constitution and the Law, the right to be elected to positions of public representation as to exercise their right to vote for the election of representatives (Art. 49). In Articles 51 and 52, the rights of foreigners to work and social security as well as health are established, in the latter case the institutions responsible for providing this service may not refuse to pay attention to any person because of their nationality or migratory status, besides, the Ecuadorian government will be responsible for promoting policies in this area to protect foreigners. (Organic Law of Human Mobility, 2017)

Table 3. Rights of foreigners in Ecuador stipulated in the OLHM

Rights of foreigners in Ecuador stipulated in the OLHM	
Art. 43	Right to free responsible mobility and safe migration.
Art. 44	Right to request an immigration status.
Art. 45	Right to migratory information.
Art. 46	Right to participation and social organization.
Art. 47	Access to justice on equal terms.
Art. 48	Right to the integration of children and adolescents.
Art. 49	Right to political participation.
Art. 50	Right to register titles (education).
Art. 51	Right to work and social security.
Art. 52	Right to health.

Source: Organic Law of Human Mobility, compiled by Daniel Sempértegui M.

On the other hand, foreigners in Ecuador also have obligations that must be fulfilled according to what the law dictates; 1. Each person must register their entry and exit of the country in the points of migratory control. 2. They must remain in the country with a regular immigration status. 3. To respect the laws, culture and the nature of the State. 4. To carry their identity documents at all times during their stay in the country. 5. To comply with labor, tax and security obligations according to what is present in the current legal system. 6. Those who hold the status of residents, must register their address in the institution of the relevant State. 7. To have health insurance for the time of stay in the country, except those who are under international protection. 8. Others that are foreseen in the Ecuadorian legislation. (Organic Law on Human Mobility, 2017)

Table 4. Obligations of foreigners in Ecuador stipulated in Art. 53 of the OLHM

Obligations of foreigners in Ecuador stipulated in Art. 53 of the OLHM	
One	To register the entry and exit through the official immigration control points.
Two	To stay in Ecuador with a regular immigration status.
3	To respect the laws, cultures and nature.
4	To carry identity or travel cards during their stay in Ecuador.
5	To comply with labor, tax and social security obligations under the existing law
6	The residents will register their domicile or habitual residence at the General Directorate of Civil Registry and Identification. Tourists in Ecuador may voluntarily report their place of stay and access the communication system that the governing authority of tourism provides for that purpose.
7	To have private or public health insurance for the duration of their stay in Ecuador, except for the case of people in need of international protection.
8	Others provided under the Act.

Source: Organic Law of Human Mobility, compiled by Daniel Sempértegui M.

In turn, the materialization of public policies and principles concerning human mobility that are embodied in the Constitution of the Republic, Organic Law of Human Mobility and its Regulations will be under the guidance of the Ministry of Foreign Affairs and Human Mobility, who will execute the due fulfillment of the provisions of the current Ecuadorian legislation. In addition, the designated authority for control in human mobility is the person who holds the position of Deputy Minister of Human Mobility, under the guidance, policy and guidelines decreed by the highest authority of the Ministry of Foreign Affairs and Human Mobility. (Regulations to the Organic Law of Human Mobility, 2017)

Consequently, the Organic Law of Human Mobility has represented since its enactment both before and after in the guarantee of human rights of migrants. In this way, Ecuador has become one of the countries with highest priority given to the subject of human mobility and among its pages it has become a law that harmonizes and integrates different legal bodies, which were repealed and remained in place for the past forty years,

which was against the changing situation in the country in the area and large migratory flows that hit the country in recent decades.

2.4. National Plan of Good Living in the Open-Door Policy

The National Plan of Good Living, officially born in 2009 in the presidency of former President Rafael Correa Delgado, until today there have been three Plans for a duration of four years each. This plan is considered the Ecuadorian government macro policy, which constitutes a roadmap to follow for governments during the four years of management. It is divided into twelve national objectives that include among its pages, policies and strategies that will allow these objectives to be met properly.

In turn, Article 280 of the Constitution of the Republic of Ecuador states that "The National Development Plan is the instrument that policies, programs and public projects will be subject to; programming and implementation of the state budget; and investment and allocation of public resources; and coordinate the exclusive powers between the central State and decentralized autonomous governments. Its observance is mandatory for the public sector and indicative for other sectors." (Constitution of the Republic of Ecuador, 2008). This way, one can highlight the work of the Ecuadorian government that in the supreme law of the country indicates the importance of the Plan and which are its competencies within the current policies are.

The National Plan of Good Living belonging to the period 2009 - 2013, was the first plan that presented new challenges oriented to the materialization of change based on the policies of the government of the Citizen Revolution that led to the construction of a plurinational and intercultural Ecuador and that may lead to achieving Good Living for all Ecuadorians. This first Plan presents no strategies or objectives aimed at achieving public policies for human mobility. Thus, on migration one can only find a statement that dictates that Ecuador proclaims human mobility as a constitutional right and that in turn condemns any xenophobic act, discrimination and rejection of all individuals whether nationals residing abroad and foreigners living in Ecuador which creates opportunities for cooperation and dialogue that benefit the development of the people. (National Plan for Good Living 2009-2013, 2009)

In 2013, a new National Plan of Good Living entered into force term of which ran from 2013 to 2017. The main proposal was to implement a regulatory framework on human mobility and which in turn could strengthen the protection of the rights of Ecuadorians abroad and people with other nationalities in the national territory in accordance with the provisions of the Constitution of the Republic of Ecuador and later in 2017 when the Organic Law on Human Mobility enters into force. (National Plan for Good Living 2013-2017, 2013)

In addition, the Ecuadorian government must provide protection, care and attention to priority groups, including children, adolescents, the elderly, the disabled and people in human mobility. The creation of an Integrated Information Subsystem on Rights Violation within the National Information System was to be encouraged in order to evaluate and generate awareness about discrimination of all kinds and violence for public policies. (National Plan for Good Living 2013-2017, 2013)

Also, within the Plan one can find policies and strategic guidelines to follow to ensure protection and promote social and economic inclusion of people who are in situations of human mobility as is presented below:

"A) To promote and implement a regulatory framework for human mobility, collecting contributions from the participation of civil society organizations and people in situations of human mobility.

b) To provide care and protection to migrant Ecuadorians living abroad, in coordination with civil society organizations and government agencies by providing services, diplomatic actions and legal assistance for the protection of their rights.

c) To promote migration status regularization of Ecuadorians abroad.

d) To strengthen and articulate a system of regularization of foreigners to guarantee and protect their rights in Ecuador.

e) Ensure due process to people who are in a deportation status.

f) To accompany the process of Ecuadorians who decide to return, and to promote their economic and social inclusion.

g) Promote the implementation of supranational mechanisms articulated to the Integral Special Protection System to ensure the protection of rights of people living in human mobility, with criteria of international responsibility.

h) Incorporate in the Integral Information Subsystem on Rights Violation particularities and needs of people in situations of human mobility in order to facilitate the design, implementation and evaluation of programs of care and protection to guarantee their rights.

i) To develop mechanisms for the prevention, control and sanction against acts of discrimination and violation of rights of people in situations of human mobility.

j) To promote and implement educational and communicational instruments for the respect for the dignity of human beings, the eradication of all forms of xenophobia and racism and the effective inclusion of people in situations of human mobility, from building cultural patterns that affirm an ethical solidarity.

k) To create and implement mechanisms that facilitate recovery capabilities for the economic inclusion of people in situations of human mobility and its various family types, with an emphasis on access to technical assistance, credit and training and linked with the popular and solidarity economy.

l) To promote initiatives that affirm intercultural harmony and promote social and cultural inclusion of persons in situations of human mobility, emphasizing social cohesion and awareness of citizenship, by understanding in coexistence.

m) Promote actions of comprehensive care for people in irregular immigration status, refugees and others in need of international protection, promoting durable solutions, with international responsibility. " (National Plan for Good Living 2013-2017, 2013)

In this group of policies and tools, one can observe the intention of the Ecuadorian government to protect, ensure and promote the rights of foreigners in the country as dictated by the Ecuadorian regulations.

Currently in effect, the National Development Plan prepared for the period of 2017 – 2021 is under the tutelage of current President Lenin Moreno, who, as in the aforementioned plans, proposes actions for the correct and full exercise of rights of people in situations of human mobility and thus aim to generate comprehensive policies and goals that allows the monitoring of the full exercise of rights. (National Plan for Good Living 2017-2021, 2017)

In this context, it can be seen that the Plan covering the period 2013-2017, is the largest in human mobility and the most complete because it includes, among its pages, a series of mechanisms for the protection of the rights of Ecuadorians abroad, as well as foreigners in the country.

Notably, the migrant situation, in Ecuador, at that time suffered major changes, that allowed, the government, to make the right choices about the needs of the country, it also defined the parameters for the creation of a legal rule that governs and protects the ideology that the country promulgates into the international community.

Finally, regarding the Open-Door Policy was implemented in June of 2008 through a presidential decree. Former President Rafael Correa opened the possibility for all foreign individuals to enter Ecuadorian territory for tourism purposes without the need to have a visa for a maximum period of ninety days, applying the principle that defends the country to free movement of individuals and for this reason to strengthen relations between Ecuador and the rest of the countries of the world. It should be noted that the Open-Door Policy is not an expressed norm, but is a reflection of what is determined in the Ecuadorian Constitution as the supreme law of the country, the National Plan for Human Mobility and the Organic Law of Human Mobility on the protection the rights of people in a human mobility status. According to Rafael Correa Delgado:

"The government will unilaterally eliminate all possible visa requirements for those wishing to visit Ecuador so they do it without setbacks. We are in a campaign to dismantle the invention of the twentieth century that were passports and visas. The immigrant is not a criminal, on the contrary, is an example of life. The vaunted globalization has only been discussed to mobilize goods and capital, leaving out people, and those touting this strategy are the ones putting border walls against immigrants". (Diario La Hora, 2010)

Thus, Ecuador became a country of free movement protected by the Constitution of the Republic as well as in the Organic Law of Human Mobility, which positions the free movement of individuals and the principle of universal citizenship, which can be detailed as a humanist conception and rights guarantor by the fact that one cannot for any reason treat a person as illegal or discriminate them depending on their immigration status or the country from which they come from. This is explained by María José Fariñas, in her work entitled "Universal Citizenship Versus Fragmented Citizenship" notes that it has become an individualist subject regardless of their identities or particular circumstances, the project of modernity has led to changes in the anthropological conception of the subjects of law, thus seeking to establish equality among all individuals under the law. (Farinas, 2018)

The change in Ecuadorian legislation and the implementation of these principles and policies, has generated large flows of foreigners arriving to Ecuador, considered in this way as a country of easy access and low immigration control because of the guarantees given by the national government not only to Ecuadorian citizens but also people from other parts of the world.

2.5. Ministry of Foreign Affairs and Human Mobility

Migration within Ecuadorian territory is controlled by different public institutions such as: The Chancellery that is immersed in the Ministry of Foreign Affairs and Human Mobility and Migration Police, attached to the Ministry of Interior. For this reason, it is essential to analyze the role of each government institution in relation to the subject of study.

The Ministry of Foreign Affairs and Human Mobility, is the government agency responsible for managing and coordinating the foreign policy of Ecuador. In addition, it is the governing body responsible for promoting Latin American regional integration and human mobility, all in the best interests of the Ecuadorian people. The Ministry "plans, directs and evaluates the management of foreign policy at the bilateral ambit; multilateral; of consular care; foreigners; and refuge, developing internal and external coordination processes designed to meet the objectives of national development plans and institutional plans". (Ministry of Foreign Affairs and Human Mobility, Ministry of Foreign Affairs and Human Mobility, 2018)

In the focus of human mobility, the Ministry of Foreign Affairs and Human Mobility is responsible for the provision of effective, efficient and quality services for Ecuadorian communities living abroad and also foreigners who have a desire to visit the country, this is done through consular offices spread in different countries. It also has the power to direct refuge policy and implement the policy of human mobility that is regulated in the Organic Law on Human Mobility for the protection and respect for the rights of citizens of Ecuadorian nationality in different parts of the world as well for foreigners residing in Ecuador. (Ministry of Foreign Affairs and Human Mobility, 2018)

Finally, foreigners wishing to enter Ecuadorian territory must choose and possess one of the following types of visa listed in Article 66 of the Organic Law of Human Mobility:

"1. Temporary Resident Visa: The authorization to stay for a certain time in Ecuador, according to the categories set out in the article concerning temporary residence.

2. Temporary Resident Visa of Exception: The special authorization to the foreign person to stay in Ecuador under the Article concerning the temporary residence of exception.

3. Permanent Resident Visa: The permission to stay indefinitely in the Ecuadorian State, in accordance with the conditions laid down in the article relating to permanent residence.

4. Diplomatic Visa: The authorization to exercise official functions by diplomatic, consular or international actors, duly accredited by the Ecuadorian State, either on permanent or temporary mission.

5. Humanitarian Visa: It is the authorization granted by the highest authority of human mobility to stay in Ecuador to applicants for international protection until their request is resolved or people in humanitarian protection for a period of up to two years in accordance with this Act. This visa does not have any cost.

6. Tourist Visa: The authorization to remain in Ecuador to people of those nationalities that the human mobility authority may determine and are wishing to participate in tourist activities, for the period specified in the article on tourists. For foreigners who do not need a tourist visa based on the politics of human mobility of the Ecuadorian State or international instruments signed by Ecuador, an authorization will be granted to stay in the country at points of official immigration control under the same deadlines set in the article on tourists.

7. Special tourist visa: It is the authorization to stay in the country for up to one year for people who are in Ecuadorian territory one hundred and eighty days as tourists, prior to the completion of the procedure provided for in this Act. This type of Visa can be requested only once every five years.

8. Visa by Agreement: It is the authorization for nationals of the States with which Ecuador subscribes international instruments to remain in Ecuadorian territory for the time established in said instrument". (Organic Law of Human Mobility, 2017)

Table 5. Types of Visa in Ecuador

Types of Visa in Ecuador	
1	Temporary Resident Visa
2	Temporary Resident Visa of Exception
3	Permanent Resident Visa
4	Diplomatic Visa
5	Humanitarian Visa
6	Tourist Visa
7	Special Tourist Visa
8	Visa by Agreement

Source: Organic Law of Human Mobility, drafted by Daniel Sempértegui M.

2.6. Migration Police

The Ministry of Interior is the body responsible for guaranteeing the fundamental rights of individuals through public safety, peaceful social coexistence, democracy and citizen participation with a comprehensive vision that places individuals as the core of a state to achieve Good Living. (Ministry of Interior, Ministry of Interior, 2018)

The vision that the Interior Ministry has places the human being in the same way as the center of public policies, programs and projects that can guarantee the right of people to their public safety and social order of peaceful coexistence, eliminating violence and reducing crimes and misdemeanors. (Ministry of Interior, Ministry of Interior, 2018). The main objectives of this institution are:

1. "Increasing the effectiveness of public safety services through quality decentralized services on forecasting, prevention and comprehensive response to violence and commission of offenses, fighting organized crime and delinquency.
2. Reduce social, institutional and cultural conditions that generate violence and commission of offenses (crimes and misdemeanors) to ensure peaceful social coexistence as an instrument of democratic consolidation.
3. Increase public safety through participation and empowerment of citizens; and peaceful appropriation of public spaces. "(Home Office, 2018)

Similarly, the Ministry of Interior has attached entities in charge, one is the Migration Police in charge of migration control, entry and exit of Ecuadorian and foreign citizens from immigration control units found in seaports and airports of the country, in order to analyze the existing irrigation resulting from verifying data and records of people who have intention to enter national territory and that could harm national security, within the framework of the Constitution of the Republic of Ecuador, the Organic Law of Human Mobility and protecting fundamental human rights. (Ministry of Interior, 2018)

On the other hand, the Immigration Police has information on the inflows and outflows of citizens from other parts of the world as well as persons of Ecuadorian nationality who visit every year or stay permanently in the country, this leaves at the end of each period something called "migratory balance" that quantifies the actual number of foreigners who have arrived or left the country.

In conclusion, Ecuador has been a protective country of fundamental rights, seeking to ensure a decent life for their national citizens and thus also to foreigners, as seen in the implementation of a legal norm which defends the principles of universal citizenship and free mobility, which can also urge the other states around the world to follow the example of Ecuador. After analyzing the powers of public institutions responsible for enforcing immigration policies, it is necessary then to study the impact generated by the implementation of various policies and principles on the most important economic and social aspects considered by many the most important aspects generated by the migratory phenomenon. Once the respective analysis is done, one may determine whether the policies taken by the Ecuadorian government have been beneficial to the country or if in contrast there has been a problem in the subject.

CHAPTER THREE

Effects of Open-Door Policy in Ecuador

The effects of the Open-Door Policy of the Ecuadorian government have led to changes in economic and social spheres of the country. In order to understand the migratory flow in Ecuador, for the period 2013-2017, Immigration Police has collected data, for the income, output and net migration.

For the situational analysis of migrants, a total of 61 surveys were conducted with different foreign citizens residing in the city of Cuenca. The survey consists of 27 questions, the objective of which was to determine the living situation of immigrants since arriving in Ecuadorian territory; In addition, the objective was also to identify the effects that this sample perceived in relation to economic and social spheres. The reason why we surveyed 61 people, is because a type of qualitative sampling called critical cases was used, which states that selected cases may serve as a logical reference for the rest of the population in relation to the subject of study.¹ (Patton, 1988) It is for that reason that the 61 surveys represent critical cases that will serve to make a situational analysis of a bigger population of migrants.

On the other hand, two interviews were conducted with people who have extensive experience in the area of human mobility, such as the Lic. Franklin Ortiz, who has twenty years of work in the Regional Coordination of Human Mobility of the Social Pastoral of the city of Cuenca and currently holds the position of president of the Crea tu Espacio Foundation, which is responsible for training, inclusion, integration, prevention, promotion and restoration of the rights of children, adolescents, young people and their families in situations of human mobility; Similarly, an interview was conducted with Mg. Eileen Perez, who is a Venezuelan citizen based in the country about six years ago, she identifies as an activist for the rights of people in situations of human mobility and

¹ This type of sampling is sustained by Michael Quinn Patton, American organizer and consultant, who develops this sampling on his work called "How to Use Qualitative Methods in Evaluation" where it determines that such sampling is structured based on the choice of a condition, phenomenon or reality experienced by humans that allows to get an understanding about a hypothetical situation that is analyzed by the researcher, this sampling logically makes it possible to generalize the evidence found that may represent a particular case.

currently serves as the alternate representative of the Cantonal Council Watershed Protection Rights. These interviews will allow us to know a wider panorama in terms of the effects that migration has generated in the fields of study.

In order to obtain an accurate analysis of the economic and social impact, a comparison will be made of the results obtained in the 61 surveys with the interviews, so that the qualitative data of the interviews with the situation perceived by foreigners can be justified in order to know the effects that migration has generated in the country. In this context, the data collected from the Migration Police is quantitative data but do not represent a real population of migrants because it represents people who have entered Ecuadorian territory through immigration checkpoints without counting the people that have entered the country in an irregular manner, this limitation that was presented in the data allowed the research to be carried out in an exploratory character, that is, it offers a first approach to the study problem and allows us to know a superficial panorama of the effects of the migratory phenomenon in the country.

3.1. Analysis of the migratory flow to Ecuador

In recent years, the population of immigrants in Ecuador has increased significantly. The situations that motivated individuals to leave their countries of origin are partly economic, social and political, attracted to Ecuador for different reasons that will be analyzed in this chapter.

The Migration Police of Ecuador maintains an annual record of the number of people entering and leaving the immigration checkpoints located in ports, airports and border areas, in the same way they register the total number of people who have not returned to their countries of origin, forming part of the migratory balance for different reasons. That is why, for the respective analysis the figures that comprise the period 2013-2017 have been taken into account and will be presented in this section.

Table 6. Immigration to Ecuador in the period 2013 - 2017

IMMIGRATION TO ECUADOR IN THE PERIOD 2013 – 2017				
YEAR	ARRIVAL TOTALS	DEPARTURE TOTALS	MIGRATORY BALANCE	PERCENTAGE
2013	1,330,503	1,278,704	51,799	17%
2014	1,554,857	1,487,909	66,948	23%
2015	1,444,260	1,398,003	46,257	16%
2016	1,414,324	1,374,751	39,573	13%
2017	1,613,553	1,522,031	91,522	31%

Source: Ministry of the Interior. Compiled by Daniel Sempértegui M.

In the period 2013 - 2017, 7,357,497 foreigners from 194 countries entered Ecuador through immigration control points, and under this scenario it can be seen that each year the arrivals to the country exceed one million people; in 2014, 1,554,857 entries were registered in the national territory, exceeding the figure reached in 2013 by 224,354 people. In later years, 2015 and 2016 Ecuador was plunged into an economic crisis, as a result of the drop in the price of oil from \$ 100 to \$ 37 a barrel, the inflation that triggered the crisis in Europe, makes countries like China, Peru and Colombia devalue its currency and in the Ecuadorian case, dollarization allowed inflation to be slow, but the country's competitiveness diminished compared to other economies that were able to devalue their currency due to the crisis; These events and others generated a deceleration of the migratory flow towards Ecuadorian territory with totals of 1,444,260 and 1,414,324 people respectively. Finally, the year 2017, had an interesting increase to a total of 1,613,553 of income, this large influx is due in large part to the political, economic and social crisis that Venezuela is experiencing and that forced many of its citizens to abandon their homes.

On the other hand, the total number of departures from the Ecuadorian territory can be analyzed by three factors, those foreign citizens who leave the country to visit their countries of origin, foreigners who leave Ecuador to settle in other countries of the world, and Ecuadorians who leave the country for different reasons. According to the figures of the Migration Police in the period 2013 - 2017 a total of 7,061,398 people left the country.

In 2013, 1,278,704 people left the Ecuadorian territory; in 2014, the sum of people who left the country increased by 209,205 people, resulting in a total of 1,487,909 individuals who left the country when they registered their exit through immigration checkpoints. The years 2015 and 2016 had results that decreased in relation to 2014 with 1,398,003 and 1,374,751 individuals respectively, which may be due to the decrease in the number of incomes to Ecuador in those years. Finally, 2017 is the year with the highest number of departures from the country with a total of 1,552,031 people who could have left the country after entering the country for tourism reasons, as well as using Ecuador as a country of transit to reach other countries as their final destinations.

As for the migratory balance, this represents the number of people who registered their arrival and which for various reasons did not leave the Ecuadorian territory; To understand this context it is necessary to understand that the migratory balance has two variants, the positive migratory balance is due to the fact that more people have remained in the country than those that have left and the negative migratory balance that occurs when the number of people that leave the country exceeds the income figures

Continuing with the analysis, in the period of time that this investigation comprises, a total of 296,099 people can be counted who did not register their exit from the country. It is evident in Table 1 that the year 2014 along with 2017 represent the years in which the highest percentage of migratory balance existed with 31% and 23%, respectively, adding up to 54% of the total percentage comprised in the analysis period, this situation is due to the conditions that exist in the countries of origin and in the receiving country in this case Ecuador so that people are motivated to migrate.

In turn, the years that comprise 46% of the total sum of the migratory balance are the years 2013 that had a balance of 51,799 individuals who stayed in the country. It is interesting to highlight the years 2015 and 2016 since in this couple of years the number of people decreased in relation to the other years of study, with 2016 being the lowest year with a total of 39,573 people representing 13% in the sum total of the migratory balance. The reasons that the number has decreased is uncertain, because it can be due to several economic, social, political factors, among others.

Then, the analysis will be made with respect to the countries that have the highest migratory balance in the country. For this analysis, the three countries with the highest figures in the 2013-2017 period will be taken into account.

Table 7. Immigration in 2013

2013				
COUNTRY	ARRIVAL TOTALS	DEPARTURE TOTALS	MIGRATORY BALANCE	PERCENTAGE
HAITI	14,157	1,410	12,747	90%
COLOMBIA	345,709	333,491	12,218	4%
SPAIN	53,522	48,849	4,673	9%

Source: Ministry of the Interior. Compiled by Daniel Sempértegui M.

In 2013, according to the data obtained from the Migration Police of Ecuador, significant numbers can be observed, especially between the first two countries. From Haiti, 14,157 migrants entered, 1,410 of whom left Ecuadorian territory, leaving a migration balance of 90% of Haitians who stayed in the country, this situation is mainly due to the earthquake that hit the island in 2010 and forced many people to leave their homes to seek new opportunities because the situation in Haiti was unsustainable, in addition to the earthquake in subsequent years the humanitarian crisis increased and a series of hurricanes hit the country making the efforts to rebuild the cities unsuccessful. (Human Rights Watch, 2013) Second, there is Colombia, a country that borders Ecuador to the north and whose number of people's income to Ecuadorian territory is 345,709 citizens, but only 333,491 people came out of the checkpoints. and that concludes with a migratory balance of 4% with 12,218 citizens who remained in the country; the peace agreement processes motivated Colombian emigration this year, due to insecurity, internal conflicts between paramilitary groups and public opinion regarding the amnesty that the Colombian government would give to members of the FARC at the end of the process of peace. (Study Group on International Security, 2014) To conclude with the year 2013, the Spanish citizens appear, 53,522 individuals arrived in total and of those 4,673 stayed in the country as a result of the migratory balance that symbolizes 9% of Spanish migrants in Ecuadorian territory, in this particular case the economic rescission that the Iberian country lived at the time should be emphasized. (Fernández, 2016)

Table 8. Immigration in 2014

2014				
COUNTRY	ARRIVAL TOTALS	DEPARTURE TOTALS	MIGRATORY BALANCE	PERCENTAGE
COLOMBIA	377,459	361,582	15,877	4%
CUBA	40,644	26,905	13,739	34%
HAITI	16,393	4,476	11,917	73%

Source: Ministry of the Interior. Compiled by Daniel Sempértegui M.

A year later, in 2014 Ecuador attracted 377,459 people of Colombian citizenship, a number greater than that of 2013 and that in turn left a total of 15,877 people staying in Ecuadorian territory, which represents 4%. As in the year before, many of these people left their country of origin driven by economic reasons and the search for a better quality of life according to the statements of the Ministry of Foreign Affairs of Colombia. In this same year, the migration of Cuban citizens increases their numbers and is mainly as in the case of the Colombian migration to the search of the people for a better quality of life and to the migration policy of the Cuban government that facilitated the travel conditions of citizens of Cuban nationality with labor cooperation agreements with other States; In this context, the migratory balance left by the migrants' income to Ecuador was 13,739 people, representing 34% of the total obtained from incomes that reached 40,644 and outflows that increased to 26,905. As in 2013, Haiti is emerging with an interesting percentage, although the number of arrivals increased by around 2,000 people in a total of 16,393 migrants of Haitian nationality, in addition the departures also increased by 4,476 people, leaving this a lower migratory balance than the previous year with a total of 11,917 that represents 73% of Haitians who stayed in Ecuador in 2014 and is due to the post-earthquake situation in 2010.

Table 9. Immigration in 2015

2015				
COUNTRY	ARRIVAL TOTALS	DEPARTURE TOTALS	MIGRATORY BALANCE	PERCENTAGE
CUBA	71,948	46,082	25,866	36%
HAITI	12,605	3,542	9,063	72%
VENEZUELA	95,909	88,378	7,531	8%

Source: Ministry of the Interior. Compiled by Daniel Sempértegui M.

In 2015, we can observe an increase in migration from Cuba, when the arrival of 71,948 Cubans who entered through the Ecuadorian immigration control points and those who left the country rose, which allowed the increase in the number of people who hold Cuban citizenship and who remained in the country to 25,866 people, representing 36% of the total migratory balance for that year in Ecuador. With regard to Haiti, the numbers have decreased to 12,605 for the income of people and 3,542 the departures of Haitians from the country, resulting in a total of 9,063 people in the migratory balance of the year, which, in percentage terms, represents 72% of Haitians that did not leave Ecuador and in relation to the previous year it was reduced by one percentage point. Finally, the third country with the highest income of migrants in 2015 is Venezuela, which in recent years has experienced an economic crisis in which annual inflation increased to 180.9%, so the cost of living had risen dramatically, political crisis in which the social groups faced for the political control of the nation, and social crisis for the lack of security where the government responded with "hard-line policies" considered violent and, great difficulties for access to services and basic consumer goods, which has forced a large number of Venezuelans to leave their homes in search of a safe place that provides them with the satisfaction of their needs. (Sánchez, 2016) For this year the number of entry of citizens from the Venezuelan State reached the 95,909 individuals, of which 88,378 left Ecuador, leaving a migratory balance with a percentage of 8% and in whole numbers there are 7,531 Venezuelans that did not leave the country.

Table 10. Immigration in 2016

2016				
COUNTRY	ARRIVAL TOTALS	DEPARTURE TOTALS	MIGRATORY BALANCE	PERCENTAGE
VENEZUELA	102,369	78,696	23,673	23%
COLOMBIA	318,126	307,274	10,852	3%
PERU	147,171	144,031	3,140	2%

Source: Ministry of the Interior. Compiled by Daniel Sempértegui M.

During the year 2016, the crisis in Venezuela worsened, evidenced in the number of people who migrated and arrived in Ecuadorian territory, the reason why this event occurred is because the government of Nicolás Maduro did not recognize the victory of the opposition in the legislative elections in Venezuela, also began a political persecution

to the opposition political leaders condemning them unjustifiably to the penalty of imprisonment, additionally, the economic and social situation continues to increase due to the level of insecurity, inflation and costs within the country rose more in relation to previous years, 102,369 people were registered by the Migration Police of Ecuador at the entrance of the country and from those a total of 78,696 individuals left that ends in a migratory balance of 23,673 Venezuelans who remained within the borders of the Ecuadorian territory. (Barcelona Center for International Affairs, 2016) Regarding the second country with the highest number of migratory balance, with 10,852 people representing 3% of people who remained in the country is Colombia, which reached a number of income of 318,126 citizens and the number of departures was installed in 307,274 documented people who entered Ecuador legally; As for this country, the reason why it again appears in the statistics is due to the peace process in the country where the society lives the repercussions of the guerrilla and territorial disputes, in addition to this the social, economic and politic issues during the period of Juan Manuel Santos as president. In this year, Peru is positioned as one of the countries with the greatest number of migratory balance that left in Ecuadorian territory; the total obtained from Peruvian citizens is 147,171 and 144,031 between income and outgoings respectively, resulting in a migratory balance of 3,140 migrants with Peruvian nationality who did not register their exit from Ecuador.

Table 11. Immigration in 2017

2017				
COUNTRY	ARRIVAL TOTALS	DEPARTURE TOTALS	MIGRATORY BALANCE	PERCENTAGE
VENEZUELA	288,005	226,867	61,138	21%
COLOMBIA	334,345	317,263	17,082	5%
PERU	139,151	135,303	3,848	3%

Source: Ministry of the Interior. Compiled by Daniel Sempértegui M.

The final year of study is 2017, this is represented by the same three countries that were analyzed in 2016; however, it has extremely high numbers in terms of the first country that is Venezuela; the total number of arrivals to Ecuador reaches 288,005 people, while the total outflows reach 226,867, which finally left a migratory balance that reached 61,138 representing 21% of migrants with Venezuelan citizenship. People follow the

immigration process due to the growing crisis that is called by several international organizations as a humanitarian crisis, due to the systematic problems in the economic, political and social spheres that involve inflation and the efforts of the Maduro's government to control it, the constant political persecutions and conflicts between society civil, insecurity, lack of food and health, among others. Also, there was an increase in the number of Colombian citizens who entered and registered their access to the country; the migratory balance is of 17,082 people, a total of 334,345 arrivals and 317,263 exits from Ecuador of citizens with Colombian nationality were registered. Finally, in this year the Peruvian citizens arrived in smaller amount in relation to the previous year with a total of income of 139,151 people and a record of departures of 135,303 Peruvians leaving as a result a migratory balance of 3,848 people.

In conclusion, the number of foreigners who have arrived in Ecuadorian territory, have done so legally through the customs control points that are in the ports, airports and border controls where they must present identity documents and that allows the Migration Police of Ecuador to generate statistical data of arrivals, departures and migratory balances of citizens who come from different countries around the world. It should be noted that, although these data are available, it is not possible to determine an exact number of foreigners residing in Ecuadorian territory due to the large number of people in irregular status or immigration status who in other words are residing illegally in the country due to the Ecuadorian migration policy of openness and non-exclusion, and discrimination regardless of immigration status. In addition, it should be considered that many migrants who arrived in the country in this period did it for its easy access and then took a path to countries with greater development, which makes Ecuador not only a recipient country but also a transit country.

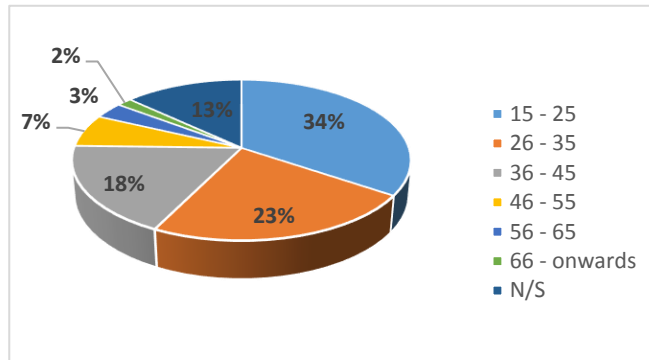
3.2. Situational analysis of migrants

For the situational analysis of the migrants, a total of 61 surveys were conducted with different foreign citizens. The survey is composed of 27 questions that have a combination of open, closed and mixed questions, as for the closed questions dichotomous answers or questions of yes or no are presented and polynomial answers or presenting several alternatives of choice; this questionnaire aims to collect personal information,

opinion and perception of migrants. Next, the compilation of the results obtained in the surveys carried out is presented, each one of the questions elaborated individually and in the order in which they were presented in the survey will be analyzed.

Question 1. Age

Chart 1. Age

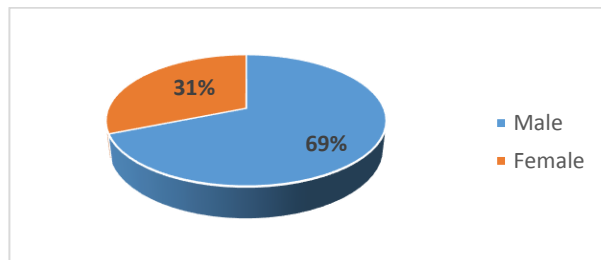


Source: Compiled by Daniel Sempértegui M.

From the sample size of 61 respondents it can be seen from the graph that 34% of respondents are in an age range 15 - 25 years, followed by people between 26 - 35 years with a total 23% and 18% representing respondents who are between 36 - 45 years, 13% of respondents did not specify their age, as for people who are between the age ranges that include the 46 years below, together they represent 12% of the total obtained. It can be determined that the total number of respondents, much of them is of working age and with ability to be economically active.

Question 2. Sex

Chart 2. Sex



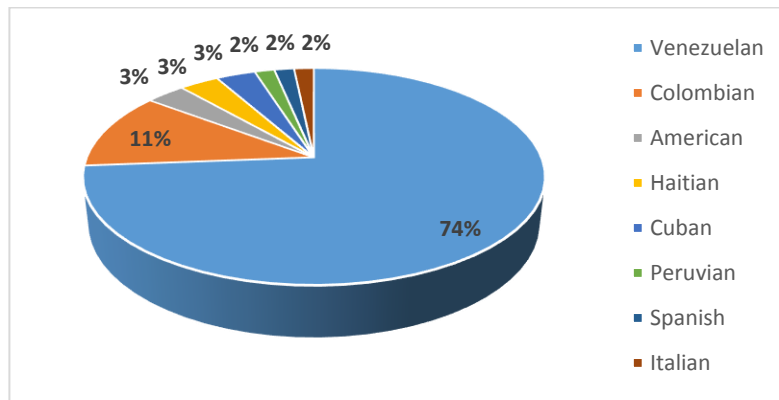
Source: Compiled by Daniel Sempértegui M.

From the data obtained in the surveys, it is evident that the highest percentage of the respondents are male with a total of 69% and secondly, the female population that in

this case of study was presented in fewer answers with 31% of women who answered the survey.

Question 3. Nationality

Chart 3. Nationality

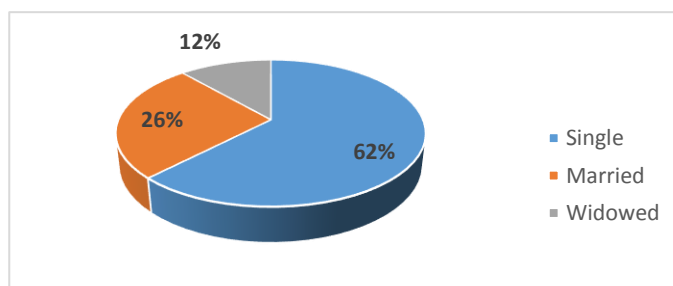


Source: Compiled by Daniel Sempértegui M.

Of the total number of surveys, 74% of the obtained results hold Venezuelan citizenship, followed by people of Colombian nationality who are in smaller numbers with a total of 11% of the total. Citizens with US, Haitian and Cuban citizenship receive 3% each and finally, those who hold Peruvian, Spanish and Italian citizenship who have 2% each of the 61 completed surveys.

Question 4. Civil Status

Chart 4. Civil Status

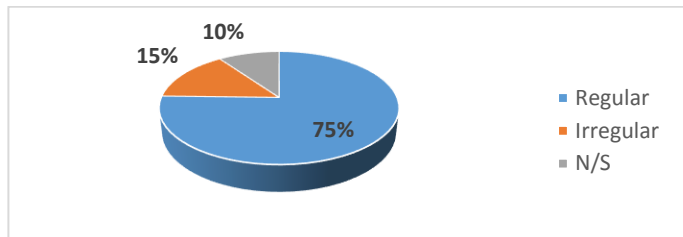


Source: Compiled by Daniel Sempértegui M.

Regarding the civil status of the respondents, 62% of respondents said that their current marital status is single, 36% of the surveyed respondents stressed that they are married and with a lower proportion in 12% are people who are widowed because of the loss of their spouse.

Question 5. Migratory Condition or Status

Chart 5. Migratory condition or status

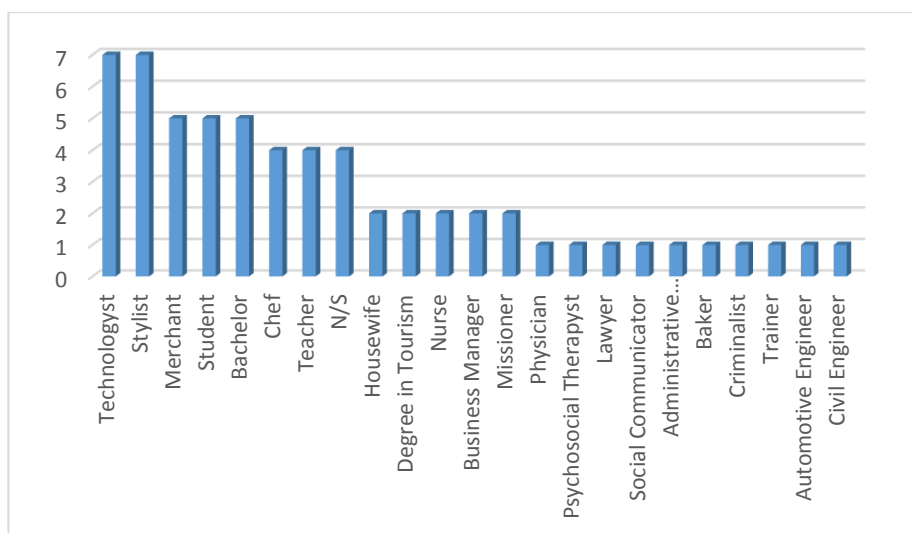


Source: Compiled by Daniel Sempértegui M.

Regarding the migration condition or status, of the size of the surveyed sample 75% of foreigners said that they are in the country on a regular status, this means they entered Ecuador through ports, airports or points of migration control located in the country's borders and have some kind of visa offered by the Ecuadorian government or refugee status to legally reside in the country. Moreover, 15% of respondents indicated that their stay in the country is in an irregular status, which consequently is the lack of a visa or a condition that allows them to reside in the country legally. Finally, there were fewer foreign citizens who did not specify their status or immigration status, which may mean that these people did not feel safe revealing their immigration status despite the fact that the survey that was conducted was anonymous.

Question 6. Profession

Chart 6. Profession

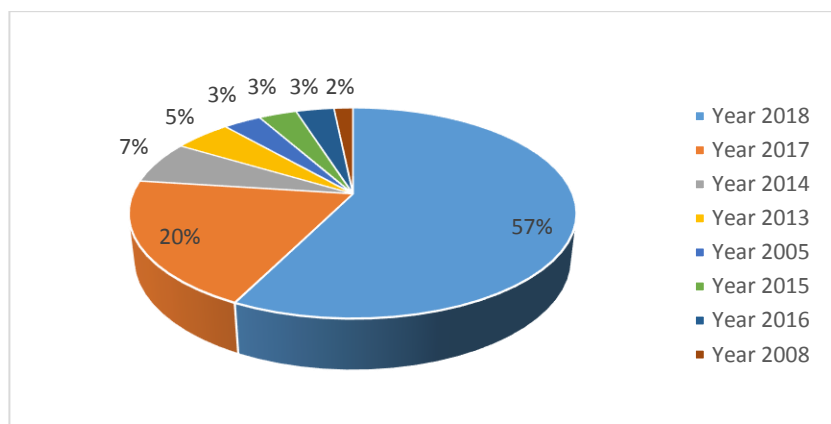


Source: Compiled by Daniel Sempértegui M.

Among the surveyed population a question was asked about their profession, it should be stressed that it was not specified if they had a third or fourth academic level, of which the most outstanding number is 7 people who answered that they are Technologists in different areas of study, the same number of people who said they were Professional Stylists answered. Following these two professions, it can be observed that 5 people identified themselves as Merchants, as well as people who pointed out that they are currently students and others who answered in the same amount who are only Bachelors. Also, the people who answered that they are Chefs, Teachers and those who did not specify a profession are a total of 4 people for each of these answers. Housewives, Tourism graduates, Nurses, Business Administrators and Missionaries are professions that obtained a total of 2 responses each, respectively. To conclude this picture that represents the professions of foreign citizens, with the lowest number of people who answered the surveys it is observed that there is a Physician, a Psychosocial Therapist, a Lawyer, a Social Communicator, an Administrative Assistant, a Baker, a Criminalist, a Trainer, an Automotive Engineer and finally a Civil Engineer, which one could say that many of them are careers of high demand.

Question 7. Year of arrival to the country

Chart 7. Year of arrival to the country



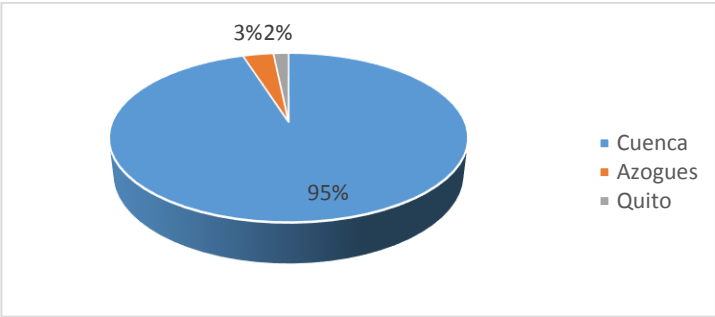
Source: Compiled by Daniel Sempértegui M.

The respondents in their entirety answered the year in which they arrived in Ecuador and in terms of results it was obtained that, of the 61 surveys, 57% of the people maintained that their arrival in Ecuadorian territory was in the year 2018. In the year 2017, a total of 20% of foreign citizens arrived in the country, thus being the second year with

the highest flow. Followed by these data, 2014 ranks third in the year that more foreigners arrived according to the results of the surveys. The years 2005, 2015 and 2016 obtained a total of 3% each in relation to the total. Finally, the year 2008 obtained a response of 2% as a result of the surveys that represent the lowest value.

Question 8. Place of residence in Ecuador

Chart 8. Place of residence in Ecuador

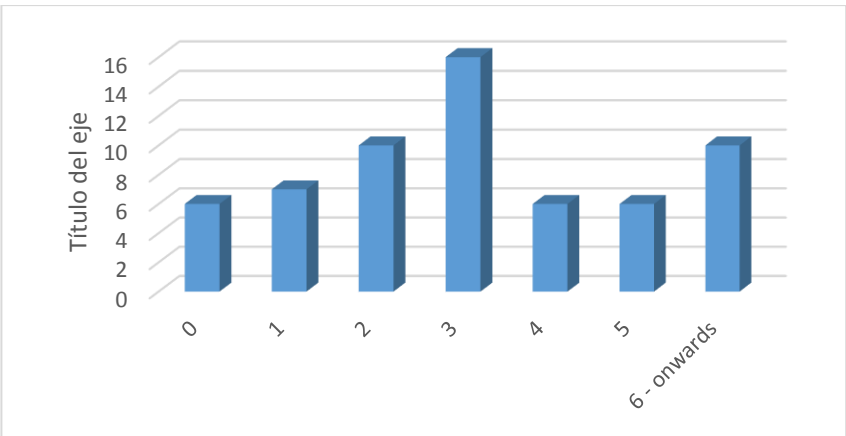


Source: Compiled by Daniel Sempértegui M.

In this question, due to the methodology used for this research work, this survey was conducted in the city of Cuenca, which is why 95% of the results indicated that their place of residence is Cuenca and 5% determined that their place of residence is the city of Azogues and Quito.

Question 9. Number of people in your family group

Chart 9. Number of people in your family group



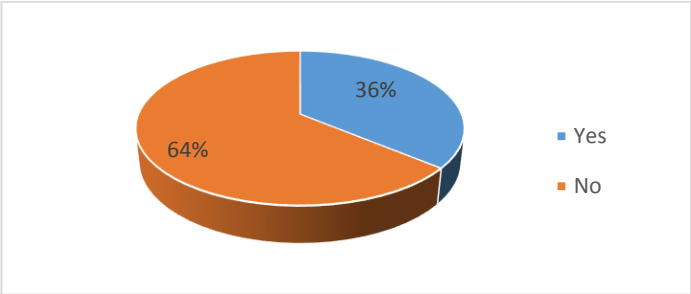
Source: Compiled by Daniel Sempértegui M.

The 61 respondents determined the number of people in their family group, without counting the respondent as part of the group and of which the majority who are

16 respondents answered that there are 3 people in their family group, followed by 10 people who indicated that there are 2 people within their family group and the same number of respondents who indicated that in their family groups there are 6 or more people. A total of 7 foreigners responded that in their families there is only one person. To finish this graph, 6 people determined that there are no people in their family groups; likewise, the same number of foreign citizens responded that in their family groups there are 4 or 5 people.

Question 10. When you arrived in the country, did you do it in the company of your family?

Chart 10. When you arrived in the country, did you do it in the company of your family?

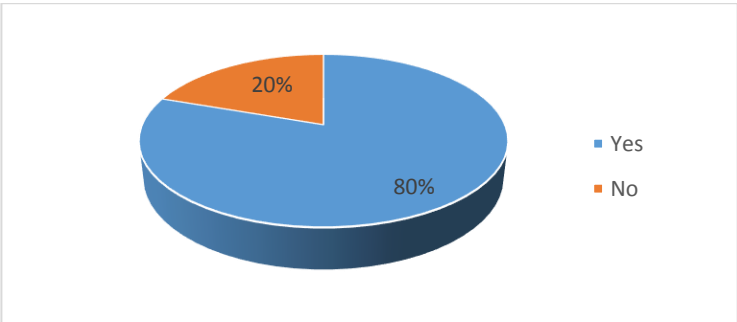


Source: Compiled by Daniel Sempértegui M.

Respondents were asked if they arrived in the country in the company of their family, 64% of the respondents answered that they did not enter Ecuador with their family, which means that this percentage of foreigners arrived alone in the country and their family continues in their country of origin or in another country around the world. On the other hand, 36% of the people indicated that they arrived in the country with their relatives.

Question 11. Do you have family or friends residing in the city?

Chart 11. Do you have family or friends residing in the city?

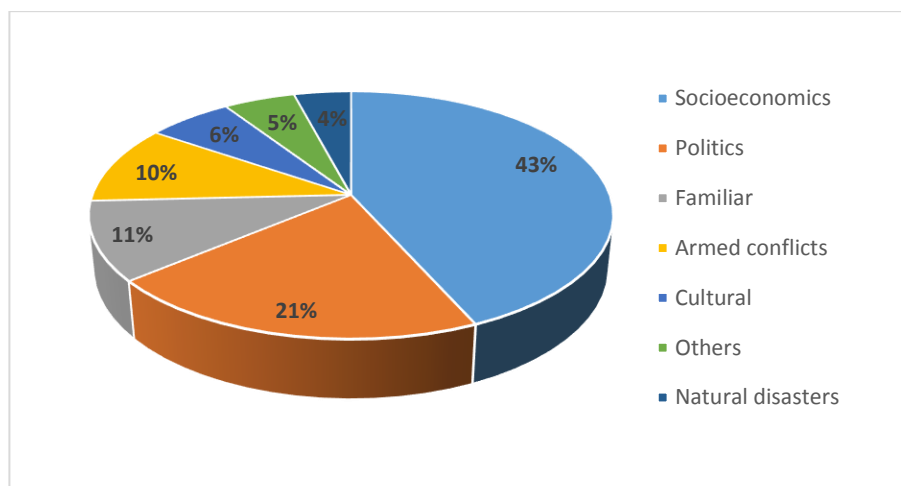


Source: Compiled by Daniel Sempértegui M.

Around the family theme, respondents were asked if they have relatives or friends residing in the city, 80% answered that they do have people close to them living in the city, while the remaining 20% said they do not have family or friends residing in the city chosen by them as their place of destination.

Question 12. What was the reason for you to emigrate from your country of origin?

Chart 12. What was the reason for you to emigrate from your country of origin?

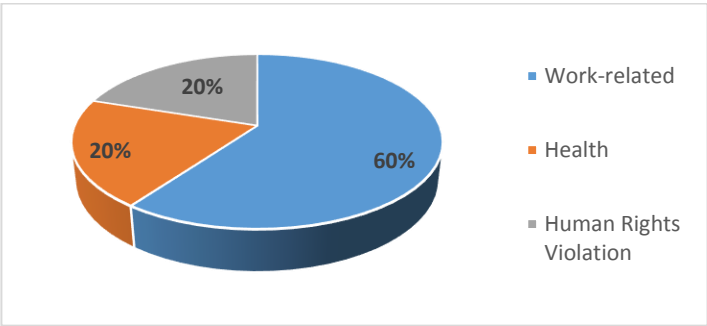


Source: Compiled by Daniel Sempértegui M.

In the following chart, we analyzed the reasons why people decided to emigrate from their countries of origin, so in this case 43% of respondents answered that the main reason why they emigrated from their country is socioeconomic, followed by the political reasons that represent 21% of the total of the sample, 11% of the results were obtained for family reasons and 10% related to the armed conflicts that are lived in their countries of origin, below these figures the cultural reasons were 6% and those who selected natural disasters as a reason to leave their countries of origin were 4%. Consequently, for reasons of research, it was determined that the nationalities that responded most frequently on the socioeconomic and political reasons were the Venezuelan citizens of whom 34 people said that their motive for emigration were socioeconomic and 19 people indicated that they had political motives. Those who answered in greater numbers about family reasons were Venezuelans with 7 responses followed by Colombians with 2 people who answered that this was their motive to emigrate; meanwhile, the armed conflicts were chosen by Venezuelan citizens with 8 responses to this category and 3 Colombians persons who

indicated this reason; the cultural ones were selected by people of Venezuelan nationality with a total of 5 people who selected this alternative; meanwhile, the people who selected the natural catastrophes as the most frequent were the Haitian and Venezuelan citizens with 2 people who answered each category respectively.

Chart 13. Others

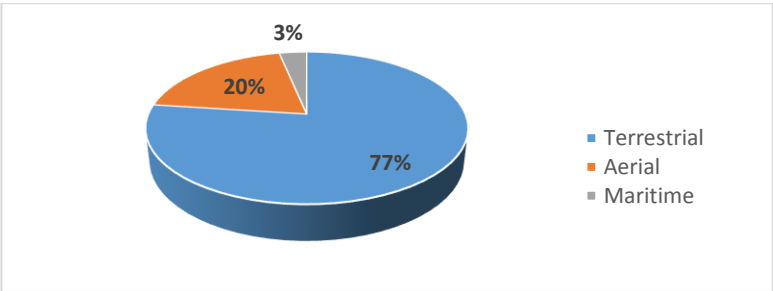


Source: Compiled by Daniel Sempértegui M.

As for the people who selected the alternative others, who are 5% of the respondents, they were asked to specify their response. Among the people who pointed out this alternative were work-related motives with 60%, followed by health reasons and violation of human rights in their countries of origin with 20% each respectively. In this context, the people who selected this response were the Venezuelan citizens who later specified the response.

Question 13. What was the way through which you entered Ecuador?

Chart 14. What was the way through which you entered Ecuador?



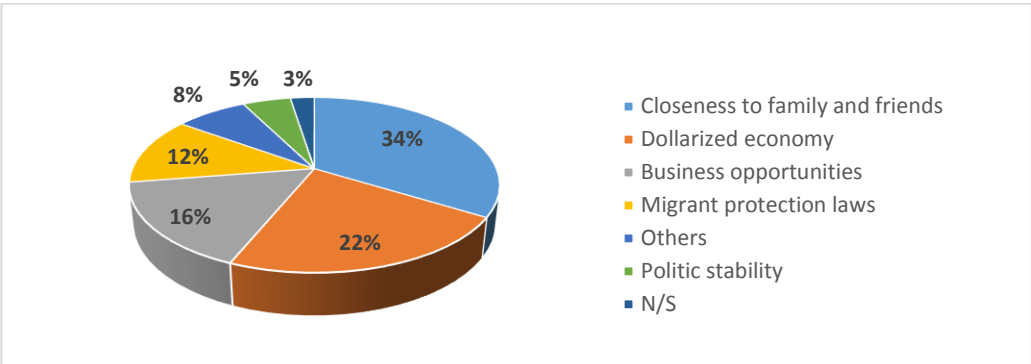
Source: Compiled by Daniel Sempértegui M.

The 61 respondents were asked about their access route to Ecuador. 77% of the respondents indicated that their route of entry was terrestrial, which means that the largest number of respondents entered in their own vehicles at best or crossed the national borders

by foot from their countries of origin. Regarding the airway, 20% of the respondents used this alternative to enter the country. On the other hand, and to a lesser extent, only 3% of the people indicated that their access route to the country was maritime.

Question 14. Reason why you settled in Ecuador

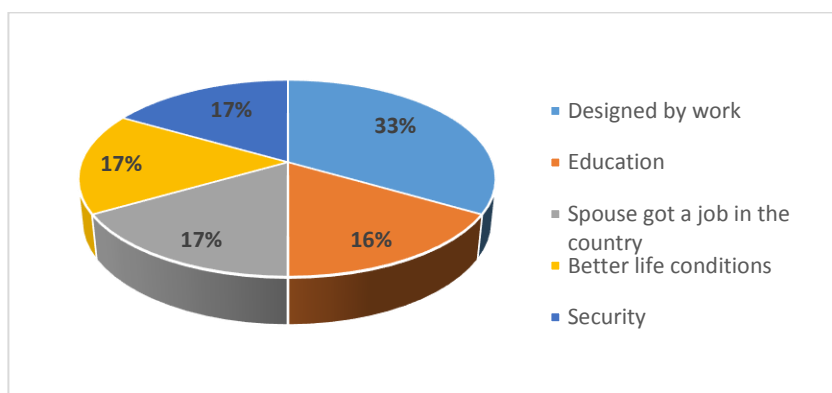
Chart 15. Reason why you settled in Ecuador



Source: Compiled by Daniel Sempértegui M.

As foreign citizens were consulted about the reasons for which they abandoned their country of origin, they were also asked what was the reason that led them to settle in Ecuador, of which 34% of the 61 respondents mentioned that the main reason was the closeness with family or friends, 22% said that the dollarized economy that the country has was one of the main reasons why they settled here, 16% of respondents specified that they have a business opportunity within the country, of the total number of people who carried out the survey, 12% indicated that the migrant protection laws were the reasons to arrive to the country as their destination, 5% of the people determined that the country has a political stability that was the reason for their arrival and with 3% the people who did not specify their response were located.

Chart 16. Others

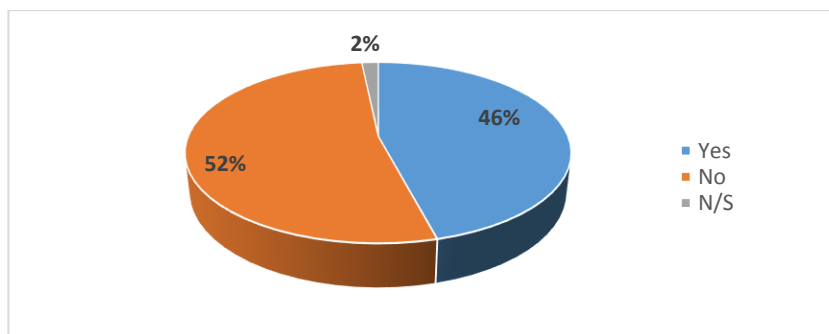


Source: Compiled by Daniel Sempértegui M.

In relation to the people who marked the option Others, the respondents indicated other reasons why they chose Ecuador as their destination. 33% specified that they were designated by work, 16% were for academic reasons, and finally that their spouse obtained employment in the country, in addition, that there are higher living and security conditions in Ecuador share similar percentages by 17% each.

Question 15. Do you think that people in Ecuador have an open attitude towards foreigners? Specify.

Chart 17. Do you think that people in Ecuador have an open attitude towards foreigners?

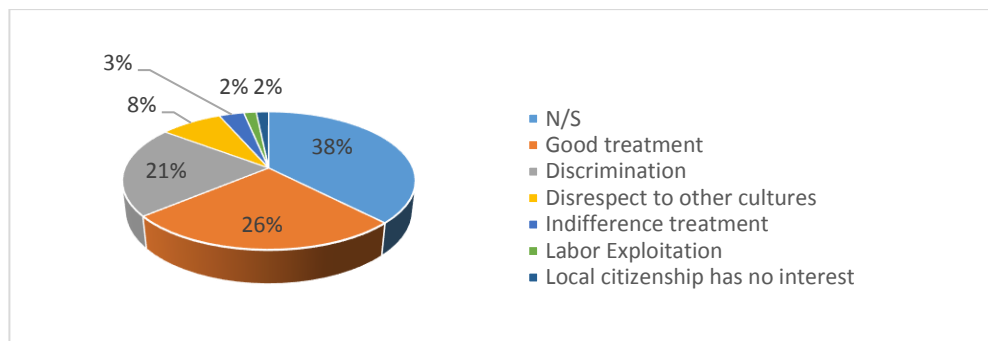


Source: Compiled by Daniel Sempértegui M.

Respondents were asked about the attitude of people of Ecuadorian nationality towards foreigners and what their argument is in relation to their thinking, and it can be seen in the graph that 45% of the people surveyed indicated that there is an open attitude to foreign citizens in Ecuador, while 52% say that there is no such openness to migrants and 2% did not specify an alternative. In this section, the nationalities that indicate that there is no opening to foreigners in Ecuador are mainly Venezuelans with 24 people who

selected this response, Colombians with 4 people who said that there is no opening, Haitians with 2 responses in total and Peruvians with 1 people who indicated this response; while those who say that there is an opening in the country towards foreigners are another group of Venezuelans with 21 people who selected this alternative, Americans, Spaniards and Italians with one person each of these nationalities who answered that there is openness towards migrants which means that there is a differentiation between countries considered developed and less developed countries.

Chart 18. Why?

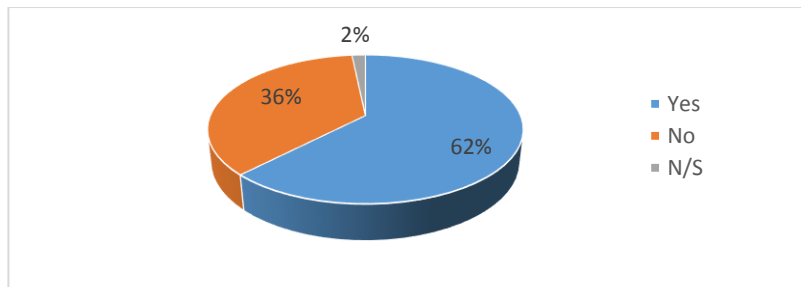


Source: Compiled by Daniel Sempértegui M.

Regarding the arguments used to justify their response, 38% of the respondents did not specify an answer, while 26% of them indicated that there is openness and that it is because there is good treatment by national citizens towards foreigners, 21% said that the lack of openness to migrants is due to discrimination and with 8% disrespect towards other cultures, 3% determined that nationals treat foreigners with indifference; to conclude, a 4% in the sum determined that there is labor exploitation and lack of interest of local citizens.

Question 16. EMPLOYMENT. Are you currently working? Specify in what.

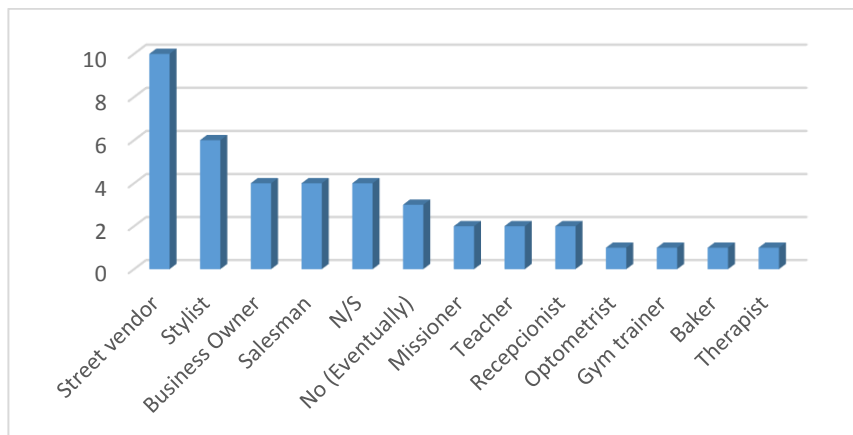
Chart 19. EMPLOYMENT. Are you currently working?



Source: Compiled by Daniel Sempértegui M.

Foreign citizens were consulted about their employment situation, 62% answered that they are currently working and 36% said they do not have a job at present. Finally, it can be seen that there is a 2% that did not specify their answer in the question.

Chart 20. Specify in what



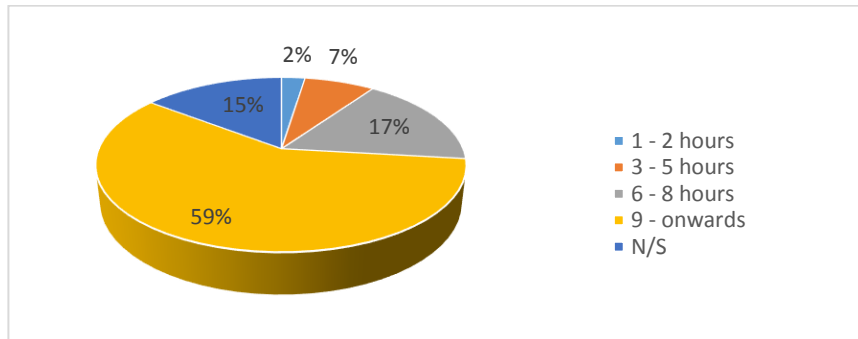
Source: Compiled by Daniel Sempértegui M.

Likewise, respondents who answered favorably were asked to specify what they are currently working on. The vast majority of 10 respondents indicated that they are currently street vendors, which should be noted that it is in the informal employment sector. From the total number of respondents, 6 people highlighted that they currently work as stylists. In addition, 4 people determined that they are business owners at the moment, in the same amount of results they indicated that they are sellers and another 4 did not specify their response. There were 3 people who indicated that they do not have a fixed job, but that they have temporary jobs under contracts. Two people pointed out that

they work as missionaries, another two as teachers and it can be seen that 2 more people work as receptionists. Finally, 4 people indicated that they have different jobs to the aforementioned, as a result there was an optometrist, gym trainer, baker and a therapist.

Question 17. Hours in which you work

Chart 21. Hours in which you work

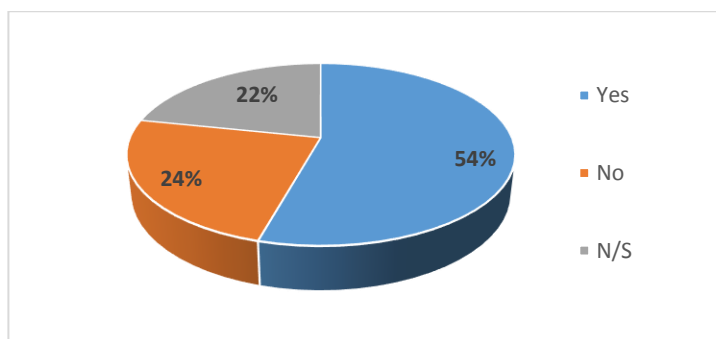


Source: Compiled by Daniel Sempértegui M.

Regarding the time in which people work, it can be seen in the graph that 59% of the respondents work 9 hours or more, followed by 17% who work 6 - 8 hours, 15% do not specify the schedule in which they work and finally 9% of the surveyed people work 5 hours or less.

Question 18. Do you think that the remuneration you receive in your work is fair? Why?

Chart 22. Do you think that the remuneration you receive in your work is fair?

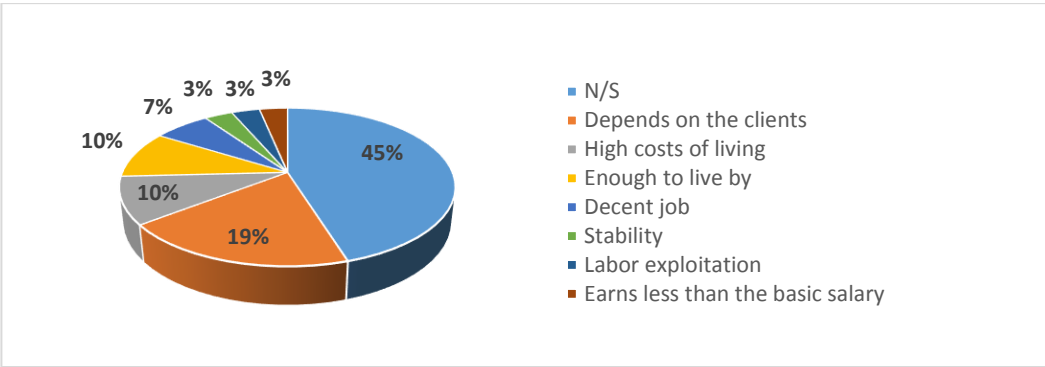


Source: Compiled by Daniel Sempértegui M.

Likewise, the respondents were consulted if they agree with the remuneration they receive in their work and why they believe that their response is correct, obtaining as a result that 54% believe that, they do receive a fair remuneration, followed by a 24% that

think that the remuneration they receive is not fair based on the work they do and 22% do not specify any of the two alternatives.

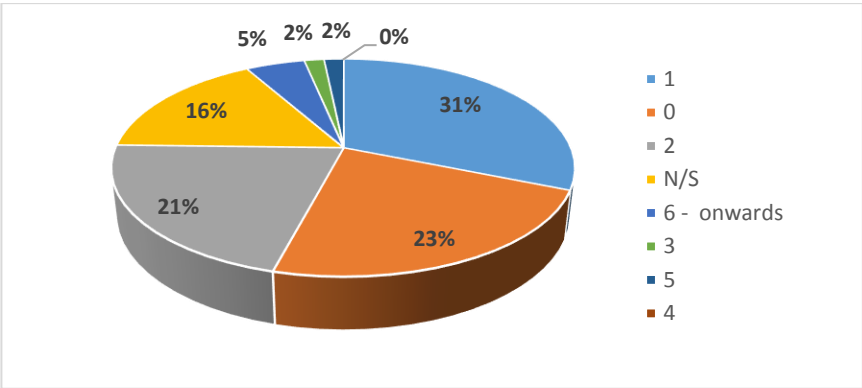
Chart 23. Why?



Source: Compiled by Daniel Sempértegui M.

Of the number of respondents who answered this question 46 in total, 45% did not specify a condition, 19% of the same number of respondents highlighted that their remuneration depends on the number of clients they have, while 10% of people indicated that it is not fair because the cost of living is high, as also 10% say that their remuneration is barely enough to live, 7% determine that their remuneration is fair because they have a decent job and in conclusion, in similar percentages with 3% the respondents indicated that they enjoy job security so their salary is fair, others say they do not believe they have a fair salary for the labor exploitation they suffer and earn less than the unified basic salary.

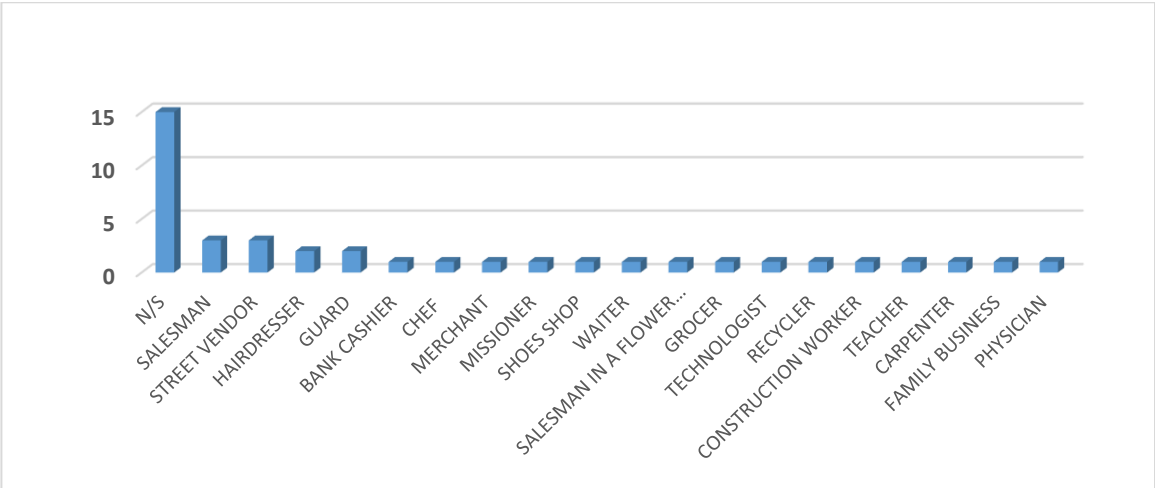
Question 19. How many members of your family work? Specify in what.
Chart 24. How many members of your family work?



Source: Compiled by Daniel Sempértegui M.

In this question, respondents were asked to indicate the number of people working in their family. 31% of the answers determined that at least one member of their family is working, 23% indicated that no member of their family works, 21% of the respondents answered that 2 people within their families are currently employed, 16% do not specify an answer and in smaller numbers it can be observed that there are people who have 6 or more members of their family working with 5%, 2% of respondents indicated that there are 3 members of their families who have a job and another 2% note that there are 5 members working.

Chart 25. Specify in what

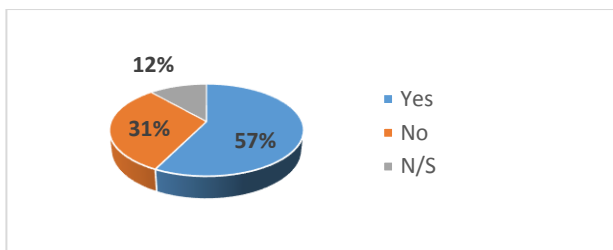


Source: Compiled by Daniel Sempértegui M.

In the same way, the respondents had to specify what their relatives work on, among which 15 people did not specify the activities they carry out, 3 people are salespeople and 3 act as street vendors, 2 people work as hairdressers and 2 more are security guards; finally, the rest of the jobs indicated in the graph are performed by one person each as detailed.

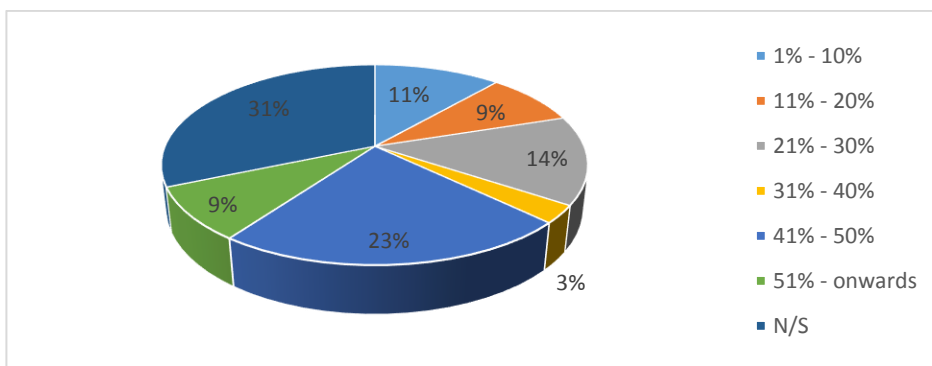
Question 20. REMITTANCES. Of the money you receive for your employment, do you send part of it to your family in your country of origin? Specify a percentage.

Chart 26. REMITTANCES. Of the money you receive for your employment, do you send part of it to your family in your country of origin?



Source: Compiled by Daniel Sempértegui M.

Chart 27. Percentage

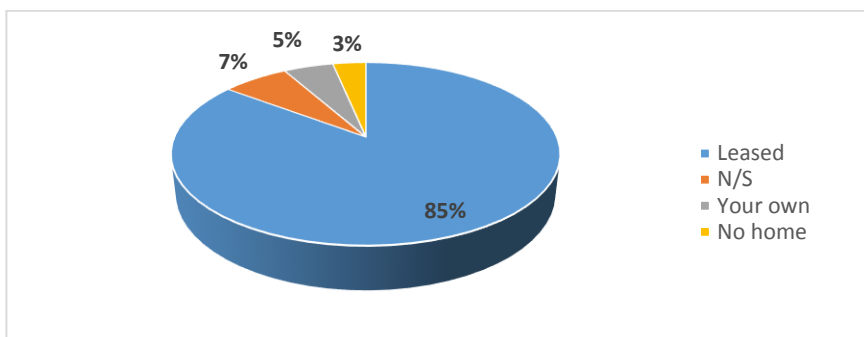


Source: Compiled by Daniel Sempértegui M.

Regarding the labor issue, foreigners who indicated that they currently have a job were consulted about if they send remittances to their relatives in their countries of origin. 57% of the respondents indicated that they did send a percentage of remittances, among which the largest number of people send around 41% - 50% of their money abroad, followed by 31% of people who did not specify a quantity of money. Consequently, it can be observed that there is a high percentage of people who send remittances to their countries of origin. On the other hand, 31% denied sending remittances and 12% did not specify anything in the question.

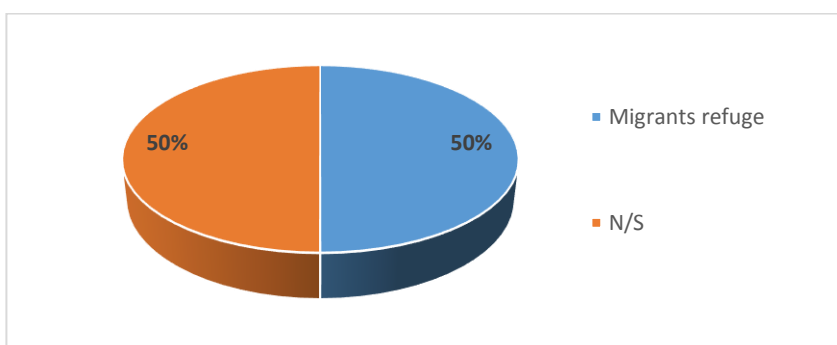
Question 21. HOUSING. The place where you currently live is?

Chart 28. HOUSING. The place where you currently live is?



Source: Compiled by Daniel Sempértegui M.

Chart 29. Specify

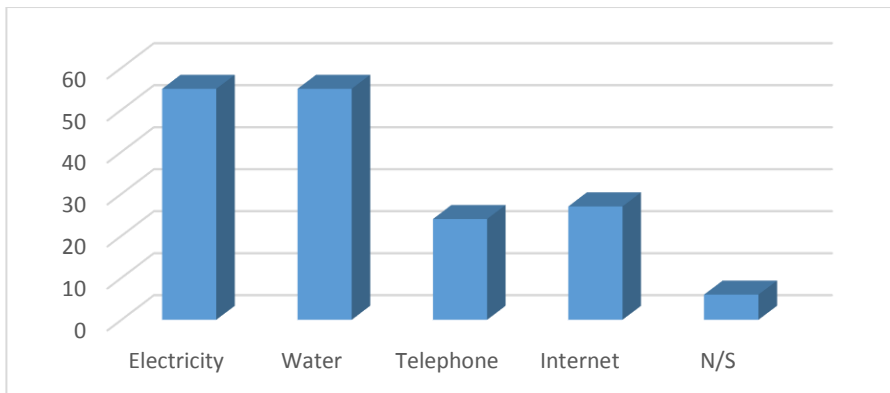


Source: Compiled by Daniel Sempértegui M.

Regarding the issue of housing, 61 responses were obtained, of which 85% of respondents indicated that the housing where they live are leased, 7% did not specify their situation, 5% indicated that the place where they live is their own and a final 3% does not have a home of their own or a leased one, but of this percentage 50% specify that they are in a refuge for migrants and the other 50% does not specify a place of housing.

Question 22. Do you currently have access to basic services? Mark with an X the ones you have.

Chart 30. Do you currently have access to basic services?

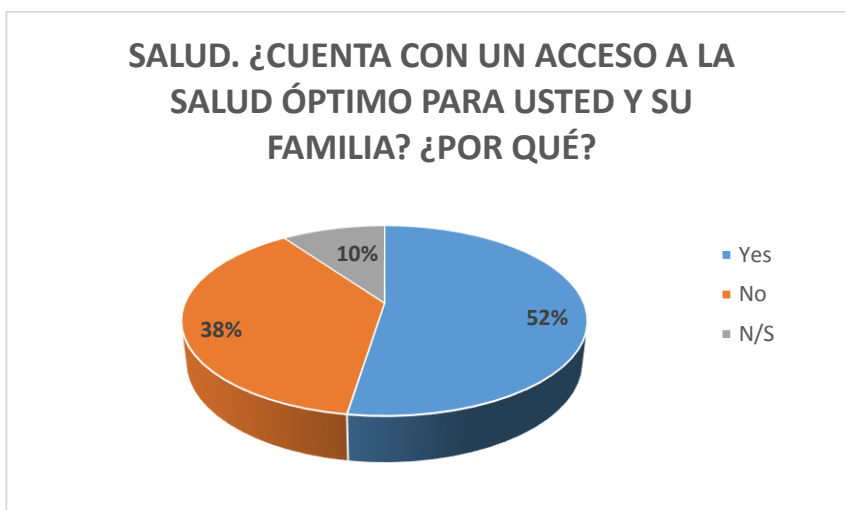


Source: Compiled by Daniel Sempértegui M.

In addition to the housing issue, immigrants were asked about their access to basic services. Among the respondents, 55 people indicated that they have access to electricity and water, 24 people have access to telephone, 27 respondents have access to Internet and 6 people did not specify any service.

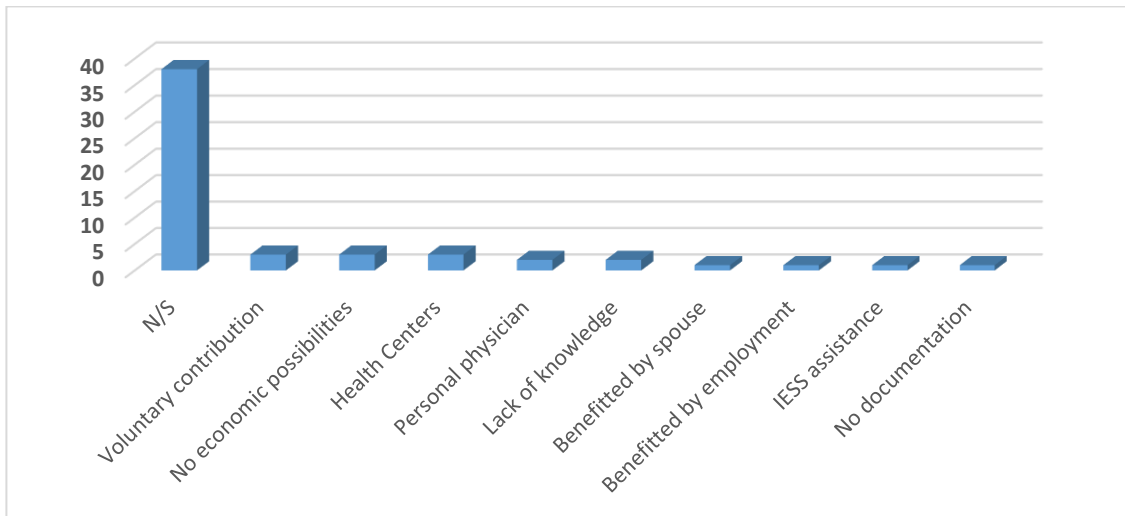
Question 23. HEALTH. Do you have access to optimal health for you and your family? Why?

Chart 31. HEALTH. Do you have access to optimal health for you and your family?



Source: Compiled by Daniel Sempértegui M.

Chart 32. Why?

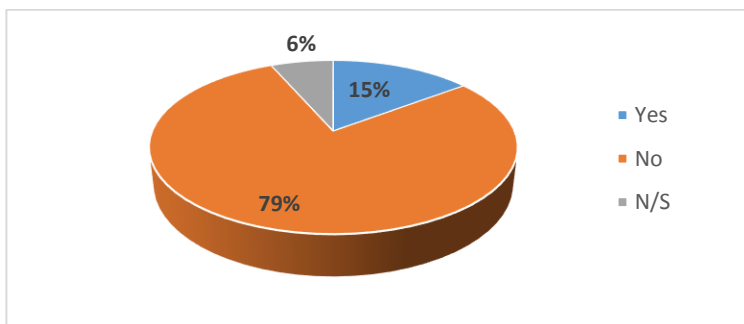


Source: Compiled by Daniel Sempértegui M.

Regarding access to health of the people surveyed, 52% responded that, they do have access to optimal health due to voluntary contribution, attendance at health centers or IESS, have personal physicians, being beneficiary for their spouse and employment. 38% of respondents said they do not have access to optimal health because they do not have economic opportunities, lack of knowledge of health programs and because they lack documentation regularized as to approach requesting service. Finally, 10% of respondents did not specify an option, but out of the ones that selected an alternative 38 people did not specify the reasons of its response.

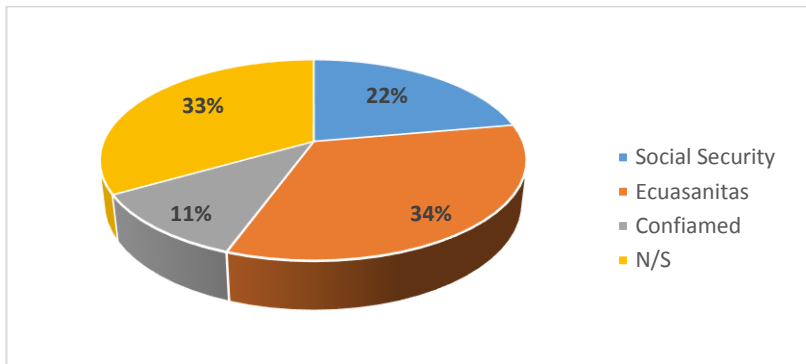
Question 24. Do you have some sort of life or health insurance? Specify what and why.

Chart 33. Do you have some sort of life or health insurance?



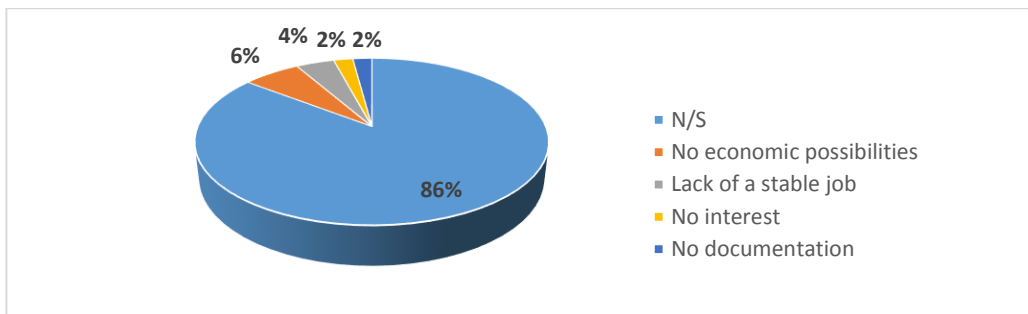
Source: Compiled by Daniel Sempértegui M.

Chart 34. Which?



Source: Compiled by Daniel Sempértegui M.

Chart 35. Why?

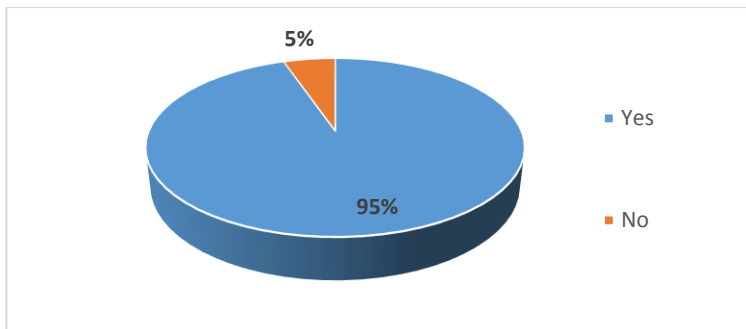


Source: Compiled by Daniel Sempértegui M.

Similarly, a question was asked focused on that if people who answered the survey have life or health insurance. Of the total of responses 79% of respondents said they did not have insurance because of different reasons like not having economic possibilities, have no employment contribution, lack of interest of the person or not having the necessary documentation, 15% were found to have insurance and which are divided into 34% of the response that have Ecuasanitas as their insurance, Social Security 22%, 11% Confiamed and 33% did not specify insurance.

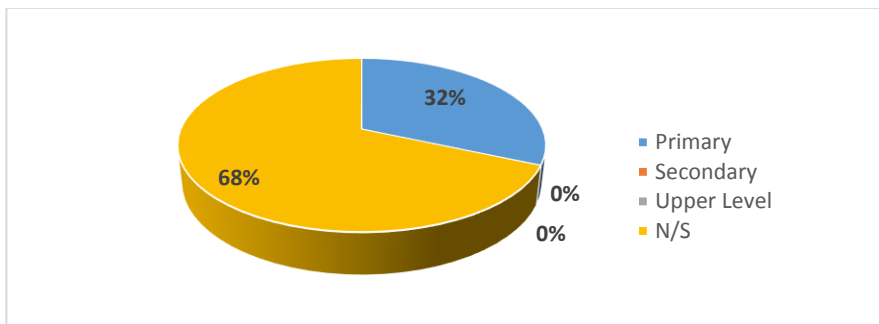
Question 25. EDUCATION. If you have children. Do your children have access to education? (Primary, Secondary, Upper Level). Specify.

Chart 36. EDUCATION. Do your children have access to education?



Source: Compiled by Daniel Sempértegui M.

Chart 37. Which?

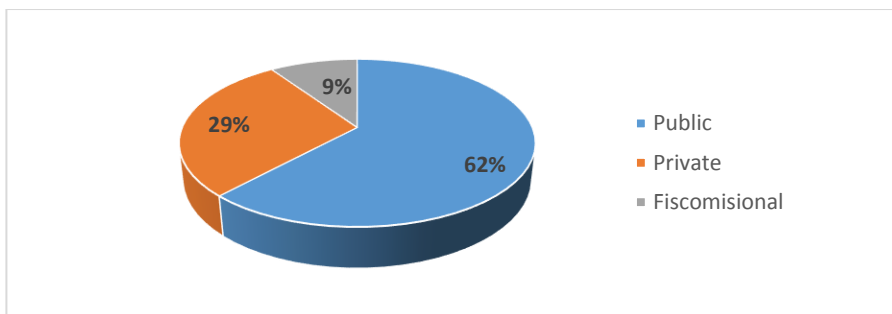


Source: Compiled by Daniel Sempértegui M.

In the educational field, the respondents who had children had to select if they had access to optimal education for their children and in the case of the answer being positive to specify at what level they are. 95% of the respondents indicated that they have an optimal access to education for their children, of which 68% of them do not specify at what level they are and 32% indicate that they are at the primary level. On the other hand, 5% said they did not have good access to education without obtaining some explanation of it.

Question 26. The educational institution that you children belong to is...?

Chart 38. The educational institution that you children belong to is...?

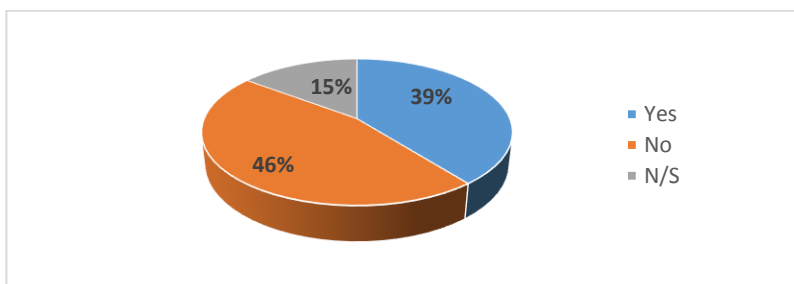


Source: Compiled by Daniel Sempértegui M.

Likewise, it was requested in this field to indicate the type of educational institution attended by the children of persons who indicated having children studying in the country. 62% of the surveyed foreigners answered that their children study in public institutions, 29% indicated that their children are in private institutions and finally, 9% of the data obtained turned out to have their children in fiscomisional educational institutions.

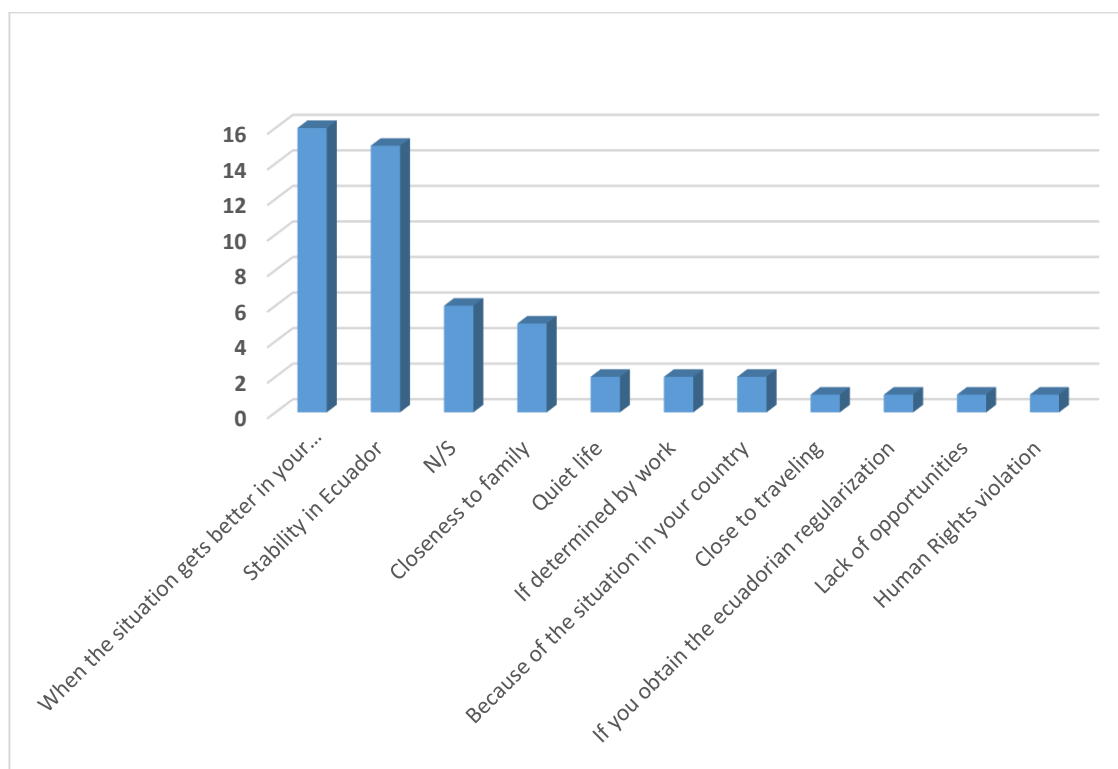
Question 27. Would you return to your country of origin? Why?

Chart 39. Would you return to your country of origin?



Source: Compiled by Daniel Sempértegui M.

Chart 40. Why?



Source: Compiled by Daniel Sempértegui M.

Finally, the last question that was asked foreign citizens was to know if respondents would return to their countries of origin, of which 46% determined that they would not return to their countries of origin because they found stability in Ecuador, if Ecuador grants them the papers to remain in Ecuadorian territory, because of the situation their countries are in or because of the violation of human rights that has generated a crisis. 39% of the results indicated that they would return, but only if the situation in their country improves, because they are close to their family and friends, due to lack of opportunities in Ecuador, if the work of some respondents determines it or people who are close to returning to their countries. To conclude this section, 15% of the people who were surveyed did not specify whether or not they would return to their country of origin.

Consequently, it can be concluded that besides the collected sample, the foreign population has increased in exorbitant amounts especially of Venezuelan citizens. In addition, one can highlight certain problems that the government of Ecuador must deal

with regarding employment and unemployment, health, education and other aspects in the social sphere that have affected the domestic population and the foreign.

3.3. Economic effects of migration

In this case, as well as to analyze the social impact of migration an interpretation will be made of the data obtained in interviews with two experts in the field of human mobility and be it will be substantiated with data collected from the 61 surveys conducted on foreign citizens.

According to Franklin Ortiz, president of the Crea tu Espacio Foundation and who has more than twenty years of experience in the area of human mobility, migration responds mainly to economic reasons; and in the Ecuadorian case, during recent years the country became a pole for the reception of migrants, attracted mainly by the dollarization that exists in the country. This theory is ratified by Mg. Eileen Pérez, who serves as alternate representative in the Cantonal Council for the Protection of Rights in Cuenca, and who points out that the Ecuadorian economy has grown and a very important reason for the same growth is due to the dollar, which has allowed Ecuador to have a stable economy. In relation to this aspect, the foreigners who filled the survey indicated in a 43% that the main reason to emigrate from their country was for socioeconomic reasons and 22% of the total of the sample answered that their motive to settle in Ecuador is due to the dollarized economy.

From this background, it is possible to clearly determine some effects or impacts that migration has generated in this area. In terms of new business trends, many locals have hired foreigners as sales and customer service staff because they believe that the attention they provide is better than the attention of Ecuadorian citizens, in the same way you can see that in the streets there are many foreigners working as informal sellers or in less proportion are business owners and who present the same characteristics to make a sale. This is the opinion of Franklin Ortiz that can also be justified based on the figures of the surveys where it is evident that 10 people work as sellers in the informal sector, 4 people are business owners and 4 are sellers in commercial premises, among other foreigners who work as receptionists or other kinds of premises where customer service is necessary.

Likewise, according to the surveys, the employment situation indicates that 62% of foreigners are working while 36% have not been able to get a job. In addition, migrants were consulted about the employment situation of their relatives, of which 31 % have a family member working, 23% none and 21% indicated 2 people and also have informal jobs, but in most cases 16 people added that they have 3 members in their families and another 10 said they have 6 members or more, which can be understood as a lack of employment in families. According to Eileen Pérez, unemployment is seen daily in the cities where foreigners sell informally or ask for money to survive. This has triggered other problems such as labor exploitation and a conflict between low-income foreigners with nationals for job search, for Ortiz this situation occurs because the country's large economic groups prefer to hire foreign citizens who are in irregular conditions because they have no employer obligations with them, and the salary is lower than the unified basic salary, which forces Ecuadorians to reduce their salary expectations to be able to compete in the labor market and thus obtain jobs. Regarding the surveys, 24% of respondents believe that the salary they receive is not fair because they have a high cost of living and 6% say they suffer from some type of labor exploitation, and all this may be due in part to the schedule in which they work where 59% of respondents determined that they work 9 hours or more.

To conclude, the remittances that are sent from Ecuador to the countries of origin of the migrants do not generate an impact that affects the national economy despite the fact that in the surveys the foreigners answered that, of the total of 61 people, 57% send remittances to their countries of origin in amounts that represent between 41% - 50% of their salary; Both interviewees for this work pointed out that remittances do not affect in greater numbers because the amounts sent are not large sums of money and that they are balanced by remittances that come from abroad and are sent by Ecuadorian citizens in other countries of the world.

3.4. Social effects of migration

On the other hand, the effects in the social sphere are equally represented by the growing number of foreign citizens. In this case, the situation of regularization of foreign citizens has been complicated by the high costs of this procedure in the country; that is

why, of the total number of the sample, 75% claim to have a regular immigration condition or status and among these are people who say they have their papers in process, 15% of the same respondents indicate that they are irregular in Ecuadorian territory, not counting the 10% who did not specify a migratory condition or status; This problem has been pointed out by Franklin Ortiz, adding that the Ecuadorian migratory policy is poorly structured and that instead of helping migrants, their condition worsens because it does not generate a benefit for the foreigner because the regulatory processes are costly and long.

In relation to the health of people, Franklin Ortiz mentions that the Ecuadorian health system is deficient. It is a system that cannot solve the needs of national citizens and, therefore, could not care for foreigners seeking specialized medical attention; however, the presence of the migrants makes it possible to visualize the deficiencies of the Ecuadorian system. That said, when comparing with the results obtained in the surveys, it can be determined that most of the foreign citizens do not have problems with the Ecuadorian health system, 52% have timely access, while 36% say they do not have optimal access because they say they do not have the documentation to opt for the service, they lack knowledge of the programs that exist or do not have the economic possibilities due to lack of employment or low wage income.

With regard to housing, 85% of respondents indicated that their home is leased, in lesser amount they say they have their own home with 7%, and with 3% are people who said they do not have a home and reside in housing centers; In addition, they were asked about access to basic services, of which 55 people answered having water and electricity, 24 people have a telephone and 27 internet. Upon knowing this data, Eileen Pérez stated that the housing situation in the country has increased its costs due to the arrival of migrants, in addition to the fact that in the apartments and rented rooms not only one family lives but larger numbers of people with the purpose of reducing expenses.

In education, Franklin Ortiz pointed out something similar to the health field in that foreigners do not remove the educational quotas for Ecuadorian children, but it makes it possible to visualize the educational deficiency in relation to the administrative issue because by comparing it with the data obtained in the surveys 95% of respondents

answered that their children do have access to national educational institutions of which 62% belong to the public sector, which determines that the children of foreign citizens residing in Ecuador do have educational quotas and benefit from the State.

For both interviewees, the problem that has the greatest impact in the social sphere is xenophobia and discrimination because the media and sectors point out that many of the problems that exist in the country are the fault of foreigners because it is said that when they arrive in the country, they take jobs from Ecuadorians, the quotas in the education system for national children and hospitals are filled by foreigners. This type of statements has generated a xenophobic struggle especially represented by the most vulnerable economic groups, who are the most influenced and who feel the most socio-economic impacts. Among the number of the selected sample 46% said that in the country there is no openness towards foreign citizens due to the discrimination they identified as the biggest problem with 21%, the disrespect for other cultures with 8% and the treatment with indifference on the part of Ecuadorians to foreigners with 3%.

Finally, it is important to highlight that, since there is no clearly determined population of foreigners, the figures do not represent the real number of immigrants in the country, so the task of identifying economic and social impacts is difficult, that is why we took a sample of 61 foreigners to conduct a survey to obtain qualitative values that can be compared with the interviews conducted and thus be able to determine impacts that help the completion of this research.

Throughout this period, the migratory process to the country has been changing, as well as the reasons that motivated foreigners to leave their countries of origin to go to other countries with the idea of satisfying the needs that are generated. In this case, the crisis can be evidenced that exists in groups of migrants from countries that have been affected by different economic, political, social and environmental circumstances which have lived an alternate reality to what they may have lived in their countries before that the reasons for leaving their homes were triggered. On the other hand, the situation experienced by migrants who come from countries with more stable conditions are reduced at this time since they come not because of needs but because of their own conviction. That is why, one could conclude by questioning, what is the Ecuadorian

society doing to change the reality of the migratory phenomenon? Maybe we should stop believing in the stereotypes created by a malleable society, and try to join efforts to change the situation and redefine the concept of free mobility so that all rights and obligations are correctly fulfilled.

CONCLUSIONS

In the last decade, there have been various economic, social, political situations, natural disasters, among others, that have motivated people to leave their home countries to live in others, seeking new opportunities to meet the needs that are presented.

International migration, as set by Ernst Georg Ravenstein in 1885, occurs in stages; first from rural areas to the industrial areas of a country; followed by migration from the least developed countries to more developed countries.

In the Latin American case, the dynamics of migration processes in the region have been presented in such a way that allow us to understand that the region has been an important center of emission and reception of migrants. Ecuador in particular, has been seen as a source country of migrants and transit spot to reach other states, however, in recent years it has become a recipient country of foreign citizens due to the socioeconomic opportunities it presents.

As for the Ecuadorian legal framework, the 2008 Constitution states that the country protects the rights of migrants in the same way that the rights of Ecuadorians are protected, since migration is a human right and must be protected. In this context, the open-door policy was interpreted as a concept, because it was not applied as a national government policy, so that former President Rafael Correa used this concept in his speeches to refer to the fact that Ecuador would ensure the rights of people who are in situations of human mobility, regardless of their immigration status, that attracted large numbers of migrants, in particular from countries bordering Ecuador. In 2017, the National Assembly of Ecuador, approved the Organic Law of Human Mobility, the purpose of which was to regulate the migratory processes inside and outside the Ecuadorian territory and which, according to Mr. Franklin Ortiz, the processes became longer, slower and with many obstacles.

In the economic sphere, it can be concluded that the effects brought about by the increasing number of migrants to Ecuador, are the changes in business trends, demonstrating new ways to market and sell, informal employment has increased that can

be seen by the current and significant number of street vendors, labor exploitation is perceived to foreigners, especially to those who have an irregular immigration status; remittances of foreign citizens to their countries of origin does not represent an impact on the Ecuadorian economy because it is balanced with remittances from abroad to Ecuador.

In the social environment, it can be observed that the effects of migration are: the regularization of foreigners in Ecuador has different obstacles, mainly the high monetary costs; the country has a health system that cannot supply a large number of people, the prices of homes have increased, there has been increases in educational quotas of Ecuadorian public institutions, and high levels of xenophobia and discrimination are perceived towards foreigners.

Finally, this investigation was carried out on an exploratory basis, due to the limitations on the collected information, mainly from government sources, that did not have data from the actual situation in the country, besides the absence of previous studies on socio-economic effects of migration in Ecuador.

RECOMMENDATIONS

Based on the findings and limitations encountered in the study of the effects of open-door policy in the economic and social spheres during the period 2013 - 2017, it is considered appropriate to make the following recommendations:

To promote a process of legalization and cancellation of overpayments and penalties, in order to forgive all legal proceedings incurred by foreigners because of their irregular immigration status and which will produce real numbers and situational control of migrants residing in the country.

Promote greater controls and regulations in points of immigration inspection located at borders, ports and airports of the country for future inflows and outflows of people, such as presenting valid identity papers and updated police record to find out who enters the country and why,

Promote integration processes of foreign citizens to Ecuadorian society so that they can be easily adapted to the country and allow them to access employment, health, education and housing.

Sensitize the Ecuadorian population by raising awareness about the situation of migrants living in the country, for the reasons and situations that led foreigners to leave their homes to be known.

Generate awareness campaigns and eradication of xenophobia and discrimination against migrants, exposing the contributions to national development that they generate.

Finally, it is recommended to use this work as a precedent for future undergraduate explanatory research aimed at determining the effects of migration in Ecuador.

REFERENCES

- 30° aniversario de la Declaración de Cartagena sobre Refugiados de 1984. (2014). *Marco de Cooperación y Solidaridad Regional para el Fortalecer la Protección Internacional de las Personas Refugiadas, Desplazadas y Apátriadas en América Latina y el Caribe*. Brasilia .
- ACNUR. (Junio de 2018). *Agencia de la ONU para los Refugiados*. Obtenido de <http://www.acnur.org/a-quien-ayudamos.html>
- ACNUR. (Junio de 2018). *Agencia de las Naciones Unidas para las Migraciones* . Obtenido de <http://www.acnur.org/americas.html>
- ACNUR. (Junio de 2018). *Agencia de las Naciones Unidas para los Refugiados*. Obtenido de <http://www.acnur.org/historia-del-acnur.html>
- ACNUR. (2018). *Agencia de las Naciones Unidas para los Refugiados* . Obtenido de <http://www.acnur.org/donde-trabajamos.html>
- Alto Comisionado de las Naciones Unidas para los Refugiados. (2018). *ACNUR*. Obtenido de <http://www.acnur.org/refugiados.html>
- Arango, J. (1985). Las "leyes de las Migraciones" de E. G. Ravenstein, cien años despues. *Revista española de investigaciones sociológicas*.
- Asamblea Nacional Constituyente. (2008). *Constitución Política de la República del Ecuador*. Montecristi.
- Asamblea Nacional de Ecuador. (2017). *Reglamento a la Ley Orgánica de Movilidad Humana*. Quito: Registro Oficial.
- Asamblea Nacional del Ecuador. (2017). *Ley Orgánica de Movilidad Humana* . Quito: Editora Nacional .
- Ayuso-Pinyol, A. y. (2010). *Inmigración Latinoamericana en España*. Barcelona: Fundación CIDOB.
- Barcelona Centre for International Affairs. (2016). *CIDOB*. Obtenido de CIDOB: https://www.cidob.org/es/publicaciones/serie_de_publicacion/notes_internacionals/n1_137_venezuela_2016_nuevo_escenario_politico/venezuela_2016_nuevo_escenario_politico
- Carrillo, L. (2010). *El concepto kantiano de ciudadanía*. Medellín, Colombia: Universidad de Antioquia .
- Castelló, V. (s.f.). *Las migraciones desde una perspectiva histórica*. Catellón de la Plana: Universitat Jaume I.

- Declaración Universal de los Derechos Humanos. (10 de Diciembre de 1948). *Naciones Unidas*. Obtenido de Naciones Unidas: <http://www.un.org/es/universal-declaration-human-rights/>
- Diario La Hora. (4 de Abril de 2010). *Diario La Hora*. Obtenido de <https://lahora.com.ec/noticia/1015984/-polc3adtica-de-puertas--abiertas-causa-lc3ados->
- Fariñas, M. J. (Octubre de 2018). *Cuadernos Electrónicos de Filosofía del Derecho*. Obtenido de Ciudadanía "Universal" versus Ciudadanía "Fragmentada": <https://www.uv.es/CEFD/2/Farinas.html>
- Fernández, D. (2016). *Scielo*. Obtenido de La crisis económica española: Una gran operación especulativa con graves consecuencias: https://scielo.conicyt.cl/scielo.php?script=sci_arttext&pid=S0719-37692016000100005
- Germán , R., & Julián, N. (2014). *La implementación del principio de ciudadanía universal en la Constitución de Ecuador de 2008*. Bogotá: Revista Via Inveniendi ET Iudicandi.
- Gobierno de la República del Ecuador. (2013). *Plan Nacional para el Buen Vivir 2013 - 2017*. Quito: Secretaria Nacional de Planificación y Desarrollo.
- Gobierno de la República del Ecuador. (2017). *Plan Nacional para el Buen Vivir 2017 - 2021*. Quito: Secretaría Nacional de Planificación y Desarrollo.
- Gómez, J. A. (2010). La migración internacional: teorías y enfoques, una mirada actual . *Semestre Económico*, 99.
- Grupo de Estudios en Seguridad Internacional. (27 de Noviembre de 2014). *Universidad de Granada*. Obtenido de Universidad de Granada: <http://www.seguridadinternacional.es/?q=es/content/an%C3%A1lisis-de-la-inmigraci%C3%B3n-de-colombianos-al-ecuador-e-implicaciones>
- Human Rights Watch. (2013). *Human Rights Watch*. Obtenido de Human Rights Watch: <https://www.hrw.org/world-report/2013/country-chapters/haiti>
- Kant, I. (2003). *La paz perpetua*. Buenos Aires : Biblioteca Virtual Universal .
- Kearney y Beserra, M. y. (2002). *Migration and Identities A Class Based Approach*.
- Massey, D., Arango, J., Graeme , H., Kovaoci, A., Pellegrino , A., & Taylor , E. (1998). *Una evaluación de la teoría de la migración internacional: el caso de América del Norte* . Barcelona : Icaria.
- Ministerio de Relaciones Exteriores y Movilidad Humana. (Octubre de 2018). *Ministerio de Relaciones Exteriores y Movilidad Humana*. Obtenido de Ministerio de

- Relaciones Exteriores y Movilidad Humana: <https://www.cancilleria.gob.ec/ejes-estrategicos/>
- Ministerio de Relaciones Exteriores y Movilidad Humana. (2018). *Plan Nacional de Movilidad Humana*. Quito.
- Ministerio del Interior. (Octubre de 2018). *Ministerio del Interior*. Obtenido de Ministerio del Interior: <https://www.ministeriointerior.gob.ec/el-ministerio/>
- Ministerio del Interior. (Octubre de 2018). *Ministerio del Interior*. Obtenido de Ministerio del Interior: <https://www.ministeriointerior.gob.ec/objetivos/>
- Ministerio del Interior. (Octubre de 2018). *Ministerio del Interior*. Obtenido de <https://www.ministeriointerior.gob.ec/migracion/>
- Mörner, M. (1985). *Adventurers and Proletarians. The Story of Migrants in Latin America* . Paris: University of Pittsburgh Press.
- Naciones Unidas. (1951). Convencion sobre el Estatuto de los Refugiados. (pág. 17). Ginebra: Naciones Unidas.
- Naciones Unidas. (1963). *Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial* . Naciones Unidas.
- Naciones Unidas. (1966). *Pacto Internacional de Derechos Civiles y Políticos*. Naciones Unidas.
- Naciones Unidas. (1966). *Pacto Internacional de Derechos Económicos, Sociales y Culturales* . Naciones Unidas.
- Naciones Unidas. (1967). *Convención Internacional sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer*. Naciones Unidas.
- Naciones Unidas. (1985). *Convención contra la Tortura y otros Tratos o Penas Crueles, Inhumanas o Degradantes*. Naciones Unidas.
- Naciones Unidas. (1989). *Convención Internacional sobre los Derechos de los Niños*. Naciones Unidas.
- Naciones Unidas. (2000). *Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional y sus Protocolos*. Palermo, Italia: Naciones Unidas.
- Naciones Unidas. (2000). *Protocolo contra el Tráfico Ilícito de Migrantes por Tierra, Mar y Aire*. Naciones Unidas.
- Naciones Unidas. (22 de Mayo de 2018). *La ONU y los derechos humanos*. Obtenido de la ONU y los derechos humanos: <http://www.un.org/es/rights/overview/charter-hr.shtml>

- Oficina del Alto Comisionado de Derechos Humanos, O. (s.f.). *Migración y derechos humanos. Mejoramiento de la Gobernanza Basada en los Derechos Humanos de la Migración Internacional*. Naciones Unidas.
- ONU. (20 de Mayo de 2018). *Naciones Unidas*. Obtenido de Naciones Unidas: <http://www.un.org/es/universal-declaration-human-rights/>
- Organización de las Naciones Unidas. (2018). *ONU*. Obtenido de <https://refugeesmigrants.un.org/es/definitions>
- Organización Internacional del Trabajo. (1930). *Convenio N° 29*. Ginebra: Organización Internacional del Trabajo.
- Organización Internacional del Trabajo. (1949). *Convenio N° 97*. Ginebra: Organización Internacional del Trabajo.
- Organización Internacional del Trabajo. (1949). *Recomendación N° 86*. Ginebra: Organización Internacional del Trabajo.
- Organización Internacional del Trabajo. (1957). *Convenio N° 105*. Ginebra: Organización Internacional del Trabajo.
- Organización Internacional del Trabajo. (1958). *Convenio N° 111*. Ginebra: Organización Internacional del Trabajo.
- Organización Internacional del Trabajo. (1962). *Convenio N° 118*. Ginebra: Organización Internacional del Trabajo.
- Organización Internacional del Trabajo. (1975). *Convenio N° 143*. Ginebra: Organización Internacional del Trabajo.
- Organización Internacional del Trabajo. (1975). *Recomendación N° 151*. Ginebra: Organización Internacional del Trabajo.
- Organización Internacional del Trabajo. (11 de 2018). *Organización Internacional del Trabajo*. Obtenido de Organización Internacional del Trabajo: https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111
- Organización Internacional para las Migraciones. (Junio de 2018). *OIM*. Obtenido de <https://www.iom.int/es/los-terminos-clave-de-migracion>
- Organización Internacional para las Migraciones. (10 de Junio de 2018). *OIM*. Obtenido de OIM: <https://www.iom.int/es/enunciado-de-mision>
- Organización Internacional para las Migraciones. (Junio de 2018). *OIM*. Obtenido de OIM: <https://www.iom.int/es/nuestra-labor>

- Organización Internacional para las Migraciones. (Junio de 2018). *OIM*. Obtenido de Oficina Regional de la OIM para América del Sur: <https://robuenosaires.iom.int/news>
- Organización Internacional para las Migraciones. (08 de Mayo de 2018). *Organizacion Internacional para las Migraciones*. Obtenido de Organizacion Internacional para las Migraciones: <https://www.iom.int/es/historia>
- Patton, M. (1988). *How to use Qualitative Methods in Evaluation*. California, EE.UU.: Sage.
- Pellegrino, A. (2000). *Migrantes latinoamericanos y caribeños: síntesis histórica y tendencias recientes*. Santiago de Chile: CEPAL.
- Pellegrino, A. (2003). *La migración internacional en America Latina y el Caribe: tendencias y perfiles de los migrantes*. Santiago de Chile: CEPAL.
- Pinho, O. (03 de Junio de 2017). *Enciclopedia latinoamericana*. Obtenido de Enciclopedia latinoamericana: <http://latinoamericana.wiki.br/es/entradas/r/racismo-y-razas>
- Plan Nacional de Desarrollo. (2017). *Plan Nacional de Desarrollo*. Quito: Secretaria Nacional de Planificación y Desarrollo.
- Quiloango, S. (2011). *Políticas públicas migratorias en el Ecuador*. Quito : Fundación Friedrich Ebert, FES-ILDIS.
- RAE. (2018). Obtenido de <http://dle.rae.es/srv/search?m=30&w=emigrar>
- Real Academia Española de la Lengua. (2018). *RAE*. Obtenido de <http://dle.rae.es/srv/search?m=30&w=inmigrar>
- República del Ecuador. (2009). *Plan Nacional para el Buen Vivir 2009 - 2013*. Quito: Secretaria Nacional de Planificación y Desarrollo.
- Sánchez, R. (2016). *Scielo*. Obtenido de Venezuela (2015): Un régimen híbrido en crisis: https://scielo.conicyt.cl/scielo.php?script=sci_arttext&pid=S0718-090X2016000100016
- Schwarz, T. (2012). Políticas de Inmigración en América Latina: El Extranjero Indeseable en las Normas Nacionales, de la Independencia hasta los años 1930. *Procesos (Revista Ecuatoriana de Historia)*, 72.

ANNEXES

APPENDIX 1

Interview: Mg. Eileen Pérez

Position: Alternate Representative of the Cantonal Council Watershed Protection Rights

Day: Thursday, December 26, 2018

1. What has been your experience working with foreign citizens?

The experience has been fulfilling, because I am a Venezuelan immigrant and working with groups of vulnerable attention such as the people at human mobility, you always feel fulfilled because one grows and supports more than one receives, and this situation makes you grow personally and as a human being.

2. Why do you think foreigners choose Ecuador as your destination?

At this time, Ecuador has multiple options that allow people to make a decision, for example, climate, being located in the same region as in the case of Latin American people and in some cases so Ecuador is a peaceful country to live in. In addition to this, its stable economy is a plus because its currency is the dollar.

3. According to figures you know, how has the migratory flow changed in recent years in the country?

Certainly, human mobility in Ecuador has greatly increased in recent years.

4. What are the main problems that migrants face when they arrive to Ecuador?

For this, migrant groups must be separated. For example, European migrants, American migrants and Latin American migrants who have totally different problems. In the case of Latin American people, the main problem is the visa because of high costs and subsequently their adaptability to the country; in the case of US citizens, they have no economic problems and adapt easily to the economy, but their lifestyle despite being quiet,

they gather in niches of US citizens; and Europeans instead focus in tourism related issues and do not have problems to get to Ecuador.

5. What are the main advantages of arriving as migrants to Ecuador?

Again, this is due to the reality of each group of migrants and about this issue it can be said that Latin American people come to the country for more economic issues; North American people arrive in large numbers to Ecuador because of its condition for their retirement; and Europeans for tourism as mentioned in the previous question.

6. What is the impact generated by the migration in the country's economic situation?

The country has grown economically, but eventually it stagnates slowly but really their situation is not so serious because you have a strong currency like the dollar, and this has triggered unemployment, also abuses on the issue of employment, there is a poverty that is not seen in some cases, but it is hidden in some regions of Ecuador. So, it is a complex issue because immigration has different edges. As for remittances, it is true that foreigners send money to their home countries, but it is also true that Ecuador receives remittances sent back by Ecuadorian citizens in other countries, so the subject is balanced between what is sent from the country and what they receive from abroad. On the other hand, it is impossible to determine an impact because there are no real figures of the foreign people in the country, part of my work has been an initiative for the person in front of the mayor's office or the governor to conduct a census to determine the number of people in human mobility.

7. What is the impact generated by migration in the social situation of the country?

Among the social impacts is unemployment which is linked with economics, human trafficking, prostitution that would be the most delicate problem; there are different places for example in the city of Cuenca where girls are working, people asking for money at stoplights and this is where one learns of trafficking, then it is a sensitive issue. In housing, the cost has increased, in many cases there are several people in one place to reduce the value. As for xenophobia, it is a two-way issue, it is true that many Ecuadoreans

are xenophobic because they fear people who come, do not know if they are good people or bad, plus in the Sierra region of the country people are close-minded and need to gain confidence in order to show their openness, in terms of the coastal region they are more open, empathic, more receptive especially because there are features in common with Venezuelan citizens, however, also people who migrate on their first entry are xenophobic with Ecuadorians, first, because they are not used or have just arrived in the country and this generates ignorance in the Ecuadoran foreign relationship for not knowing about the culture, not knowing the vocabulary because despite speaking the same language we do not understand each other. Arrival is difficult to start, but one has to adapt to the site.

8. What do you think about the Ecuadorian immigration policy within the framework of the open-door policy that the country keeps around free mobility and universal citizenship?

At the moment the Organic Law of Human Mobility appeared to regulate the entry of people after the open-door policy in which Ecuador received everyone, but it was necessary to safeguard the people under legislation, there must be clear migration policies. Ecuador is not only a sending country of migrants, but in recent years has become a recipient country as well as being a transit country to reach other destinations. Moreover, in terms of universal citizenship and free movement, Ecuador has an advanced and rights-granting constitution in which one can see that foreign citizens have the same rights as nationals as this is due to a reciprocity issue.

9. What are the benefits of the open-door policy for Ecuador?

One advantage is the country's growth in the short, medium and long-term on a cultural, economic and social level because you were a country that generated migrants and now have been transformed into a host country, this will allow the country to grow as a country and society, because it will generate a huge cultural openness because of the mixtures that can occur between Ecuadorians and Colombians, Ecuadorians and Peruvians, Ecuadorians and Venezuelans with a more open view towards people in human mobility.

10. What do you consider negative impacts of the open-door policy?

Negative impacts occur primarily because in a wave of migration one cannot control who comes to their house, within migratory flows are bad people who are criminals, swindlers and come to harm the country not only to nationals but also foreigners because everyone pays for the actions of one, labels are given, increasing xenophobia and the problem is widespread; this is something that cannot be controlled because people come regularly as well as irregularly to Ecuador.

11. Do you think that the Ecuadorian society is aware of what is happening in the country in relation to the open-door policy?

Overall, the Ecuadorian society is aware that they have a Venezuelan migratory wave and that in the past the same happened with Colombian, Cuban, Peruvian and Haitian citizens which has led people to be more empathetic, more responsive but still they have a lot to assimilate, leaving aside fear that the foreigner is going to take their jobs from them or hospitals collapsing by the number of foreigners applying for the service, there is no foreign population that can generate these problems.

12. What do you think might happen if the situation continues or worsens about the number of people who are entering?

If the situation continues or comes to worse, the country could collapse because it is a small country that does not have a wide work field, does not have a health system large enough to cater to many people, the roads may also collapse because of the fast increase in population. However, the country cannot get stuck in the population, but there must be contingency plans to help manage the situation.

13. What is your opinion about the growing influx of foreigners into the country?

My opinion is positive, because I speak from experience as a foreigner, however, I know it is not easy to settle in a country that is not their own, it is not easy to get a job or other services which makes many people decide to leave the country to try their luck in another; once one is stabilized can lead a quiet life.

14. What recommendations would you give to improve the current situation in the country on this subject?

There should be a thorough review of the Organic Law of Human Mobility, there are many incongruous things with universal citizenship and free movement, there are gaps and shortcomings especially in fines and costs of visas that currently some foreigners cannot afford due to lack of employment. Second, there must be more effective controls that give greater security to domestic and foreign citizens to minimize security risks at the country level. Third, different sources of employment must be generated that enable people in human mobility to have more economic opportunities. Finally, to promote campaigns around empathy, solidarity, cultural and awareness on the situation of migrants and eliminating xenophobic comments that the press helps expand.

APPENDIX 2

Interview: Lic. Franklin Ortiz

Position: President of Crea tu Espacio Foundation

Day: Thursday, December 26, 2018

1. What has been your experience working with foreign citizens?

I've been working on migration issues, domestic as well as foreign in the last 25 years.

2. Why do you think foreigners choose Ecuador as their destination?

Ecuador in recent years, from the dollarization process, became a place of reception of migrants due to its handling of a strong currency. Ecuador in past years had a process of emigration of Ecuadorians to other countries and those work spaces or niches were available to foreign citizens; these two are the most important reasons as to economic factors why foreigners have chosen Ecuador. In addition, the proximity to the country of origin must be considered as a social factor, especially in the case of Colombians, Peruvians and Venezuelans who chose the country as their destination.

3. According to figures you know, how it has changed over the migratory flow in recent years in the country?

It should be taken into account that the numbers have been growing gradually as is the case of Colombian citizens requesting refuge that made Ecuador become the first host country for people seeking refuge. Likewise, there have been other important migratory processes such as the Cuban flow in previous years and the Haitian situation as a result of the earthquake in Haiti. In addition, American migration also became more visible because Ecuador was constituted as the place where retired US citizens come to live their last years, attracted in the same way by the economic costs that are cheaper for them and the environment climate that creates a pleasant space to live. Regarding the Peruvian migratory process, the process of peace between Ecuador and Peru and the processes of regularization between both States have been maintained. As a novelty, since

2015, Venezuelan migration has increased until 2017 when a large number of Venezuelan migrants was obtained, this is particularly due to the internal structures of the Venezuelan government. We must also take into account the European migration resulting from the fall of housing in Spain and the low European economy that generated a migration to the country; but not all these migratory flows have been to reside in Ecuador but many of them have been transitory, using the country as a transit space to reach countries like Chile, the United States and at the end of this year 2018 this idea starts to change and the idea of Ecuador as a destination country is incorporated.

4. What are the main problems that migrants have when arriving to Ecuador?

The main problems, especially of migrants who do not have a strong economy, who come for situations of moving away from their country due to the internal structure, fleeing from violence or migrants due to economic situations. First, the process of regularization is strong, Ecuador has not been a country that generates kindness for the reception of migrants, the regularization process has high costs, it is not easy to obtain the documentation due to the great demand that the country has to regularize a person, but there are other situations such as that of migrants with work situations in which cooperation agreements have been generated between the States that has accelerated the regularization processes in their cases and also the North American and European citizens who have a solid economy and do not have regularization problems. In recent years, since the Constitution of 2008 was born, the law never changed, but the Ecuadorian law for regularization processes was maintained since the 70s and there was only an illusion that the country was considered as a reception space and in terms of the Organic Law of Human Mobility, this has been restrictive around rights for foreigners in a poor economy, this has been an element to stop some processes towards our country.

5. What are the main advantages of arriving as migrants to Ecuador?

As for advantages, if migrants come from poor countries, who come in search of work, there have not been many advantages, although it could be mentioned that perhaps in their countries are no longer persecution situations, they have no restrictions in the search for work, but they have not been offered aside of the social environment emotional stability, a space to start working on their dreams or there has not been something new to

offer in terms of advantages. Migration in all parts of the world is characterized as classist because of the economic classes that exist, which means that if the economic situation of a country is precarious there are not going to be possibilities and there will be restrictions, but if the economy is solid there is going to be facilities and their social and economic insertion will be faster.

6. What is the impact that migration has generated on the economic situation of the country?

It has been possible to see an increase in new ways of marketing, how to sell, how to serve the customer in our environment; Many migrants encouraged in the past years that local merchants to open their premises even on weekends, thus creating a new culture in the commercial sphere. Regarding the impact that has generated advantages in the construction, the migration of Peruvian citizens who had a wide knowledge in masonry allowed to reduce the construction times, the housing issue has been revitalized and has generated a use of new technologies in the area. In certain cases, these advantages have generated conflicts due to migration especially from low-income countries, people only move from one physical space to another and come to confront the low-income people of the countries of destination, generating conflicts of survival. Also, regarding remittances this does not affect the country much because small amounts are sent and balanced by the remittances of Ecuadorian citizens abroad who send their money to the country. Regarding the labor sector of Ecuador, the country has been given a challenge that consists in supervising the large national and international companies for the incorporation of labor, taking into account that the national structure does not have the capacity to supervise large spaces of work and this lack of supervision has led some sectors to generate labor exploitation mechanisms, such as the contract of foreign labor to half or a quarter of a unified basic salary in the country, thus benefiting companies that do not have an obligation of protection towards foreigners who do not have their documents regularized and at the same time they put the rules of the game in this subject; In this context, there is also a labor conflict between foreign and national citizens since the companies hire 4 foreign employees for the price that one would pay to a national, which may cause the nationals to lower their salary expectations in order to have the same opportunity.

7. What is the impact that migration has generated on the social situation of the country?

In the social sphere, we can observe different impacts that can be advantageous and others that have affected and impact society. The increase of people has generated new characteristics in the family structure since there are unions between Colombians and Ecuadorians, Peruvians and Ecuadorians, Venezuelans and Ecuadorians, this has been revitalized and expanding another way of understanding migration and the family environment. At the same time, it has also brought conflicts due to the family structures that have been destroyed by Ecuadorian citizens who have been dazzled by the physical attractiveness of women and men from other countries, which causes nationals to leave their spouses for interacting with foreigners. In relation to health, the Ecuadorian health system is a deficient system, a system that does not reach the local citizens, and therefore could not reach foreigners, however, the presence of migrants does not harm the health system, but it makes visible the deficiency of the Ecuadorian health system and the deficiency of the educational system. Other problems generated by the presence of foreigners, is the management given by many media and sectors to say that many problems that the country lives are due to foreign citizens, which is represented as a xenophobic struggle, but considered by a double moral because the media and large economic groups make believe and implant the idea to people with limited resources that foreigners are the ones who come to steal work places, the space of Ecuadorian children in schools or to use and fill the hospitals creating difficulty in accessing health; This xenophobic situation, forces migrants to live these conditions and not to protest what is offered. Another very sensitive issue is the trafficking of people from which traffickers and large mafias benefit, taking advantage of people for their needs.

8. What do you think about the Ecuadorian migration policy, within the framework of the open-door policy that the country maintains around free mobility and universal citizenship?

What difference does it make to have a defending constitution of rights, where the right to human mobility is embodied, if the conditions put by society for migratory processes have not changed at all, our law does not work because it questions itself for the double moral it has demanding rights for the Ecuadorian citizens who are residing in other

countries of the world. We cannot speak of an opening of Ecuador to the world if we do not protect the rights of people in a situation of human mobility proclaimed by our legislation, it remains only in discourse and a clear example is that the Human Mobility Law was updated 10 years after the last Constitution of the Republic and even then, the current regulation is more restrictive than the one issued in the 70s. There has been no practice of the open-door policy, only an open-door speech was given that is influenced by the media to emphasize the arrival of Cuban doctors to the country as a clear example, but these people came by State agreements and people who arrived because of precarious conditions did not have those advantages and were even deported, something that our Law says that must not be done.

9. What are the benefits of the open-door policy for Ecuador?

The open-door policy did not have any advantage for Ecuador, because this was only a cheap discourse of the national government and that can be observed in all the restrictive processes that exist.

10. What do you consider negative impacts of the open-door policy?

The open-door policy is more represented in a negative impact for the country because a law was maintained since the 70s and there were several attempts to change that law from the Constitution and it was not feasible to do it in the first years because there was no political will of the State in relation to civil society that proposed a law of human mobility, in addition to the existence of confrontations that reduced the possibilities. The law that we have today had the participation of civil society but not all the arguments they proposed were used. Meanwhile the common population has believed that the country has open doors however they are blinded by the government's speech.

11. Do you think that the Ecuadorian society is aware of what is happening in the country in relation to the open-door policy?

No, it is not conscious because if they were aware of what happens in the field of human mobility, they would be more supportive, reflective and many more things would be put into practice, there would be no fight against racism and xenophobia, there would be an open process of interculturality. If Ecuadorian society were more reflective and knew more about this, it would dignify more the field of work, so this results in that work

should still be done on this topic. If society does not prepare, we will lose the opportunities that migration brings, including cultural exchange and social exchange.

12. What do you think might happen if the situation continues or worsens about the number of people who are entering?

The situation will continue to grow, but it is not the States that are to blame, but the big transnationals that are the ones who set the rules for those who must leave the country, who manage the large migratory flows based on macroeconomics and the labor exploitation. In addition, this will depend on how migratory flows are managed and that will depend on civil society and the work of governments.

13. What is your opinion about the growing influx of foreigners into the country?

In the field of migration, it has always been handled that people who are part of migratory groups have to come to light, live in the light and be known, that implies to be regularized and give them opportunities, to fight against insecurity, regulate the work space, the conflicts that may appear in the survival spaces are regulated, family processes are regulated, the migratory processes of income and exits are regulated, as well as the income and exits of remittances. If it is not administered correctly and regularization mechanisms are not generated and foreigners are sent to the shadows, there will be no knowledge of who the person is, the intentions will not be known, it is not known if these people work and how much they earn, there will be no knowledge of their contribution in the different areas of the country. An administration that seeks to control migration is needed because today the administration is in the shadows and that does not allow to have real statistical data.

14. What recommendations would you give to improve the current situation in the country on this subject?

If you want to generate an exact number of people, who they are, where they are and what they do, it is necessary to generate an amnesty process for foreigners; in this way, opportunities can be granted to all foreign citizens in the country, that would generate no labor exploitation, have greater access mechanisms to education, housing and other services but should also promote and generate employment and production sources that

can supply the demand of national and foreign citizens. In addition, a third element must be generated, which is the education process from the smallest to the biggest, through the neighborhoods, the churches and all the spaces where people gather to promote integration processes and the fight against racism and xenophobia; It is utopian, but this would generate great changes.

APPENDIX 3

**UNIVERSITY OF AZUAY
FACULTY OF LEGAL SCIENCES
SCHOOL OF INTERNATIONAL STUDIES**

OBJECTIVE: Make a diagnosis of the socio-economic impact of the open-door policy in Ecuador. The information obtained will be used exclusively for academic subjects as part of the thesis work entitled Analysis of the Open-Door Policy in Ecuador, in the economic and social sphere, 2013 - 2017. It is requested to please answer all fields with the requested true information about the individual.

INSTRUCTIONS: In the questions that have two or more answers, please mark (X) in the requested space.

SURVEY DIRECTED TO FOREIGN CITIZENS RESIDING IN ECUADOR

AGE: _____

1. Gender: ___M ___F

2. Nationality: _____

3. Marital Status: ___ Married ___ Single ___ Widowed

4.- Migratory condition or status:

5.-Profession:

6.- Year of arrival to the country:

7.- Place of Residence in Ecuador:

8- Number of people in your familiar group: _____

9.- At the moment of arriving to the country, did you do it accompanied by your family?

___ Yes ___ No

10.- Do you have relative or Friends living in the city?

___ Yes ___ No

11.- What was the reason for you to emigrate from your country of origin?

___ Politics ___ Socioeconomics ___ Cultural ___ Family-related

___ Armed conflicts ___ Natural disasters

Others:

12.- In what way did you enter to Ecuador?

☐ By air ☐ By land ☐ By sea

13.- Reason why you stayed in Ecuador.

☐ Closeness to family and friends ☐ Dollar-based economy ☐ Politic stability
☐ Migrant-protecting laws ☐ Business opportunities

Others:

14.- Do you think that people in Ecuador and specifically in Cuenca have an open attitude towards foreigners? Specify.

☐ Yes ☐ No

Why?

15.- EMPLOYMENT. Are you currently working? Specify what do you work on.

☐ Yes ☐ No

16.- Write your work time-schedule

17.- Do you think the payment you get from your work is fair? Why?

☐ Yes ☐ No

18.- How many of your family members work? Specify where do they work.

N° _____

19.- REMITTANCES. Of the money you receive for your employment. Do you send a part to your family in your country of origin? Enter a percentage.

___ Yes ___ No _____ %

20.- HOUSING. The place where you live is?

___ Owned by you ___ Rented ___ You do not have a place (Specify the condition)

21.- Do you currently have access to basic services? Mark with an X the ones you have access to.

___ Electricity ___ Water ___ Phone ___ Internet

22.- HEALTH. Do you currently have access to an optimal health service for you and your family? Why?

___ Yes ___ No

23. Do you have some sort of life or health insurance? Specify what and why.

___ Yes ___ No

24.- EDUCATION. If you have children. Do your children have access to education? (Primary, Secondary, Upper Level). Specify.

* If the answer is "NO" skip to question 25.

___ Yes ___ No

25. The educational institution your children belong to is ...?

☐ Public ☐ Private ☐ Fiscomisional

26. Would you return to his country of origin? Why?

THANK YOU VERY MUCH FOR YOUR HELP!