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## Access to formal employment and mobility: Colombian and Venezuelan forced migrants in Ecuador

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### Abstract

This paper seeks to analyse the determinants of access to formal employment for Colombian and Venezuelan forced migrants in Ecuador, taking into consideration the role of the availability of social protection services and/or the possibility of continued migration, drawing on fieldwork in an Ecuadorian city. In order to go beyond previous studies in Ecuador, which have thus far focused primarily on Colombian refugees, this analysis studies the formal sector and compares the experiences of Colombian and Venezuelan forced migrants and potential employers.

### Keywords

Ecuador, labour, migrants, refugees, formal jobs

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## List of abbreviations

BS	Basic salary
CGD	Center for Global Development
CM	Colombian Man
CW	Colombian Woman
DTM	Displacement Tracking Matrix
EAP	Economically Active Population
EMEV	Estatuto Permanente Ecuador-Venezuela
ENEMDU	Employment, Unemployment and Underemployment Survey
FDDSG	Forced Displacement and Development Study Group
HIAS	Hebrew Immigrant Aid Society
IDP	Internally Displaced Person
IRC	International Rescue Committee
IESS	Ecuadorian Social Security Institute
ILO	International Labour Organisation
IOM	International Organisation for Migration
LOMH	Organic Law for Human Mobility
Mercosur	Southern Common Market
MREMH	Ministry of Foreign Affairs and Human Mobility
RSD	Refugee Status Determination
Unasur	Union of South American Nations
UNHCR	Office of the United Nations High Commissioner for Refugees
USD	United States Dollar
VM	Venezuelan man
VW	Venezuelan woman

All translations of texts and interviews were made by the researcher.

## Introduction

### *Post-script*

*26 August 2019 is the date of entry into force of Presidential Decree 826, by which Venezuelan nationals cannot enter Ecuador without a visa. Targeting Venezuelans exclusively, this measure is incompatible with Ecuadorian migration legislation. A legislative reform has been undertaken as well. Ecuador is less visible than its larger neighbours, Colombia and Peru, and receives smaller flows of Venezuelan migrants – but also less donor funding. Even with its decades-long experience in handling Colombian refugee flows, and being host to a number of humanitarian actors who gradually shifted their attention from Colombian refugees to Venezuelan forced migrants, Ecuador has been unable to adequately cope with incoming numbers (300,000 by mid-2019).*

*In the midst of economic contraction and growing xenophobia, the government has set aside Ecuador's constitutional claim for 'equal rights for all', which used to include foreigners. By the end of 2018, as this paper was written, restrictive measures attempted had not prospered, as the guardians of legal consistency ensured that constitutional principles prevailed.*

*In September 2019, as this post-script is being written, the consequence of the restrictive measures is the multiplication of irregular border entries, with a sequel of danger, suffering and loss affecting individual forced migrants. In a continent that has congratulated itself for its solidarity, the right of Venezuelans to seek protection and in doing so to cross borders is less important in the eyes of Ecuadorian authorities than the fears of their potential hosts.*

*Ecuador, in South America, has seen many of its citizens leave in recent decades, to seek better economic opportunities abroad through economic migration. However, as the present decade comes to an end, it has become primarily a receiving country, hosting large numbers of people who are forced to leave Venezuela, and continuing to receive those fleeing internal conflict in neighbouring Colombia.*

Colombians and Venezuelans settle mostly in urban areas in search of economic opportunities. The Ecuadorian mobility law, inspired by South American openness towards citizens of countries in the region (regional citizens), contains provisions by which they can apply for a legal stay through visas designed for them, which allow for employment. The law also grants the right to work to asylum seekers (seeking refugee status) and recognised refugees. In practice, however, asylum seekers in the first stage of the process do not enjoy this right and, in general, formal jobs are scarcely accessible for recent Colombian and Venezuelan forced migrants, whether they seek asylum or hold visas. This study draws upon fieldwork in an Ecuadorian city to examine the experience of forced migrants as they endeavour to remain in the country legally and seek employment, the attitudes of potential employers and perspectives on continued migration to other countries.

Colombia, Venezuela and Ecuador have a common heritage, including shared ethnic origins and a common language, Spanish, which can facilitate employment integration.<sup>1</sup> Many Ecuadorian economic migrants have settled in Colombia and Venezuela in the past, either as legally admitted workers or as irregular economic migrants. Similarly, many who fled internal conflict in Colombia over the course of the past six decades have chosen Ecuador as their destination. From 1989 to December 2018, Ecuador had recognised 65,537 refugees, 98% of them Colombian.<sup>2</sup>

Ecuador also receives Venezuelans who leave their country due to insecurity and economic issues, mainly food and medicine shortages that started in 2017.<sup>3</sup> UNHCR estimates that over three million people had left Venezuela by the end of 2018,<sup>4</sup> representing the largest exodus in regional history. Of them, 214,847 were staying in Ecuador: 90,000 with 'regular status', meaning that they had accessed a legal stay through a visa, and 50,000 in the process of obtaining a visa.<sup>5</sup> In Ecuador, 'irregular' is used rather than 'illegal', since the 2008 Constitution states that no one shall be considered as illegal because of their migratory condition.<sup>6</sup>

By the end of 2018 there were approximately 17,000 Venezuelan asylum seekers in Ecuador (less than 8% of the total number of Venezuelans in the country), but few had been accepted as refugees.<sup>7</sup> And in terms of access to formal employment, only 8,617 Venezuelans (or 9.5% of those who had accessed a legal stay) had formal working contracts in the Ecuadorian private sector, according to data from the Ministry of Labour.<sup>8</sup>

Ecuador hosts refugees in an open context. Once they are formally accepted for the refugee status determination (RSD) process, they are granted the right to work. Although they can access free health and education services (available to all in Ecuador regardless of migration status), there is no national welfare system providing refugees or forced migrants with a living stipend to cover basic expenses.

1 Zetter, R. and Ruadel, H. 2018. Refugees' right to work and access to labour markets: constraints, challenges and ways forward. *Forced Migration Review* 58.

2 Ministerio de Relaciones Exteriores y Movilidad Humana. 2019. Sobre refugio, datos actualizados. [www.cancilleria.gob.ec](http://www.cancilleria.gob.ec).

3 UNHCR. 2018a. Global trends: Forced displacement in 2017. 20 June.

4 UNHCR. 2019. Venezuela Situation. [www.unhcr.org/venezuela-emergency.html](http://www.unhcr.org/venezuela-emergency.html)

5 Martín, M.C. 2018a. Drama venezolano: ¿qué hacer? 4 Pelagatos, 11 September. UNHCR Representative participation in public debate.

6 Asamblea Nacional República del Ecuador. 2011. Constitución de la República del Ecuador 2008 (includes reforms approved in the 7 May 2011 referendum), art 40.

7 Less than 1% by mid-2018, according to interviews 2 and 13.

8 El Comercio. 2018. 8 617 venezolanos laboran en el sector privado de Ecuador de manera formal. *El Comercio*, 16 September.

International assistance in Ecuador, including livelihood assistance, is reserved for forced migrants living in the most vulnerable conditions. In practice, and notwithstanding their reasons for flight, most forced migrants face the same constraints and are seen as economic migrants, meaning those 'who travel[s] from one country or area to another in order to improve their standard of living'.<sup>9</sup> This view, closer to the Ecuadorian history of migration, tends to blur humanitarian perspectives and disregards the fact that survival in the country of origin was at risk.

Article 11.2 of the Ecuadorian Constitution grants equal rights for all in Ecuador, including non-citizens. However, this principle is not always reflected in real life.<sup>10</sup> With or without legal status, Venezuelan forced migrants report discrimination in everyday life in Ecuador (46% of those interviewed in cities by the end of 2018).<sup>11</sup> 'In practice, Ecuador's generous legal framework does not guarantee access to employment and sustainable livelihoods for refugees'.<sup>12</sup> This also proves true for Venezuelans arriving as forced migrants.

This paper seeks to analyse the determinants of access to formal employment for Colombian and Venezuelan forced migrants in the Ecuadorian formal private sector, taking into consideration the role of the availability of protection and/or the possibility of continued migration, and drawing on fieldwork in an Ecuadorian city. In order to go beyond previous studies in Ecuador, which have thus far focused primarily on refugees, this analysis focuses on the formal sector and compares the experiences of Colombian and Venezuelan forced migrants.

For the purpose of this study, unless stated otherwise to show the particular situation of Colombian or Venezuelan asylum seekers and refugees, they and other forced migrants in Ecuador will be grouped under the term 'forced migrants', covering a diversity of situations. Venezuelans leave because of lack of access to basic rights like food, medicines, safety and the possibility to earn a living. While only a small proportion have filed asylum claims in Ecuador, large numbers have opted for other forms of legal stay. On the other hand, most Colombians escaping to Ecuador file asylum claims, and those who are rejected remain in Ecuador and seek other paths to regularise their migratory situation. The term 'forced migrants' will only include people from these two nationalities. 'Further movement' refers to unsolicited movement across borders, rather than institutional refugee resettlement. Finally, the term 'protection', when applied to refugees, alludes to the recognition of the forced nature of their displacement and the principle of non-devolution to which refugees are specifically entitled. It is also associated with assistance to fulfil basic rights, including family unity, shelter, food, access to health and education and the right to work.<sup>13</sup>

Chapter 1 will describe theoretic discussions on the determinants of forced migration, refugee economy and livelihoods, labour, protection and mobility. Chapter 2 will discuss legal, economic and social characteristics of Ecuador as a host country for Colombian and Venezuelan migration flows.<sup>14</sup> It will consider regional integration schemes, Ecuadorian legislation, the labour market and perceptions. Finally, Chapter 3 will describe the results of fieldwork that was conducted in an Ecuadorian city to study the experience of forced migrants seeking formal employment in a sector of the economy. The views of twenty jobseekers and seventeen potential employers will be compared. Determinants of access to jobs and factors that influence continued migration will be considered. The following section describes the research methodology used in this analysis and the challenges encountered during the fieldwork stage.

## Methodology

The question that this study seeks to answer is: What factors affect the chances of forced migrants being able to find employment in Ecuador's formal economy? Staying is a precursor to being employed, but since access to employment may depend on a series of other factors, employment will also be considered separately. The interplay of access to employment with the possibility of further movement will also be analysed, as well as factors involved in hiring choices, including issues that affect women differently than men.

The study started with a desk review of resources on refugee mobility, labour, protection, regional integration schemes and studies on Colombian refugees in Ecuador. Venezuelan migration being recent, publications were scarce. Analyses by international think-tanks, media and organisational reports helped fill some gaps on legal stays, mobility and labour issues, including IOM surveys on Venezuelans in Ecuador, the first of which was published in August 2018. Interviews with refugee advocates, practitioners, national and local government officials and forced migrant leaders complemented the desk review.

In-depth, semi-structured interviews were conducted in May–August 2018 with:

- a) twenty forced migrants seeking (or having sought) employment in specific economic sectors of an Ecuadorian city, contacted through gatekeepers; and
- b) seventeen potential employers in the same city and sector, including a purposive sample of female managers.<sup>15</sup>

9 Oxford Dictionaries. 2019. Dictionary. Economic migrant. en.oxforddictionaries.com.

10 See Asamblea Nacional 2011, n6; Castro, A., Hernández, C. and Herrera, W. 2013. Migración y estado en la región Andina. Bogotá: Fundación Esperanza.

11 IOM-DTM. 2019. Displacement Tracking Matrix: Monitoreo de Flujo de Población Venezolana. Ecuador-Ronda 3. November–December 2018, p12.

12 Zetter and Ruadel 2018, n1, p15.

13 UNHCR, Guidelines on temporary protection or stay arrangements, February 2014, www.refworld.org/docid/52fba2404.html.

14 Study cut-off date is December 2018.

15 Bernard, H.R. 2006. Research methods in anthropology: Qualitative and quantitative approaches. 4th edn. Lanham: Altamira.

Sector choice responds to low-skilled job availability, believed to facilitate employment access. Answers to pre-coded questions were complemented with qualitative data obtained through open-ended questions.

Contacts with interviewees were made through UNHCR partner organisations assisting forced migrants (gatekeepers). The forced migrant sample had the following features:

- 50% of individuals were female and 50% were male;
- 100% of individuals were of working age;
- 50% were citizens of Colombia and 50% of Venezuela;
- 100% had arrived in Ecuador in or after 2014;
- 100% sought asylum or an alternative form of regular status; and
- 100% had sought employment in a certain sector in the selected city.

Given the scarce demographic data on forced migrants,<sup>16</sup> and the size of the sample, it is representative of the group that meets the above-mentioned characteristics in this location.

Hiring practices and views on potentially employing refugees or forced migrants were explored through interviews conducted by the researcher with potential employers (ten men, seven women). Trust was established through local references and assurance of confidentiality, to reduce the margin of non-participation.

Data analysis considered the gender, nationality and regular status of forced migrants, their education level, possible factors for further movement, job-search methods and jobs past and presently held. Employer experience with refugees, qualities sought in candidates and attitudes towards referrals were also examined. Relevant comparisons were made.

### *Assumptions and limitations of the study*

Since jobs could be at stake, the anonymity of forced migrants and employers had to be preserved. Migrants were interviewed on gatekeeper premises or by mobile phone after working hours.

Even though the forced migrant study sample is small and scarcely representative, it identifies occurrences regarding nationality, gender and employment that may be repeated elsewhere. Opinions of employers represent only their particular economic sector and city, although some behaviours may be similar in other urban contexts.

Gatekeepers, necessary to anonymity and protected access, also introduced potential for bias, since all interviewees contacted through them had received assistance and had initiated the process to gain regular status in Ecuador. Thus, the sample reflects the experience of forced migrants with these particular characteristics.

Among participants who sought international protection, asylum seekers – not refugees – made up the vast majority. This reflects the broader state of individuals seeking asylum in Ecuador in 2018, when delays for combined admissibility and RSD could take up to four or five years.<sup>17</sup> This sample composition could lead to possible biases, as results may not be extrapolated to recognised refugees. In this sense, the extremely low rate of recognition of Venezuelan asylum seekers is a relevant factor.

### *Ethical issues and challenges*

Interviewees were assured of the confidentiality and anonymity of their responses, to prevent after-effects. Sensitive issues such as discrimination, xenophobia or extra-legal, exploitative practices were addressed through indirect questions. The researcher's approach to employers was carefully planned to avoid participation refusal linked to discriminatory attitudes and social desirability bias in answers.<sup>18</sup> Challenges included interpreting discourse that considers discriminatory practices to be acceptable.

A few answers related to not employing forced migrants showed inconsistencies with other comments made later in the interviews. This hints at concerns about possible repercussions if employers were caught in informal labour practices. Given this situation, it may be difficult to determine if some employers had, in fact, informally employed migrants. A similar consideration applies in the hypothetical case of forced migrants who may not be willing to speak about a stable job they may hold, out of fear of losing assistance provided by organisations, if their work was made known to gatekeepers. Both motivations are potential reasons for incomplete answers, and merit consideration in the analysis of interview data.

For the purpose of framing this paper within refugee and forced migration studies, the next chapter focuses on the larger academic debate on the issues at hand.

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16 A formal data request went unanswered, reportedly due to updating efforts in the online data system (Interview 2).

17 Interview 4.

18 Bernard 2006, n15, p250.



## 1. Chapter 1: Debates around forced migration, livelihoods, and movement

The academic debates considered for this study include forced migrant livelihoods, economic impact, protection and labour mobility. As available humanitarian aid is insufficient to assist all forced migrants, organisations providing assistance turn to fostering livelihoods as a means for economic survival and social insertion.<sup>19</sup>

### 1.1 *Transition between categories*

In countries that both grant asylum and allow for labour migration, circumstances may lead individuals to prefer seeking one type of legal status or category over another (to shift from refugee to migrant or vice-versa). If asylum seekers face obstacles – such as the absence of significant assistance allowing for survival (food and housing), long waiting periods for refugee status determination decisions, stigma or limitations linked to holding a refugee card – that undermine their possibilities to access formal jobs, they may seek other routes. These factors may lead them to temporarily establish themselves as migrant workers,<sup>20</sup> since refugee status could be less desirable than migrant status.<sup>21</sup> For other individuals who can demonstrate their need for international protection but who initially seek migrant worker status, the opposite may happen if delays for working visas are longer – or requirements more complex – than those needed for asylum.

Once they arrive in the host country, differences between forced and economic migrants include losses usually suffered by refugees, their entitlement to assistance and the hostile environment that they often confront.<sup>22</sup> The absence of significant assistance places forced migrants before the same choices that economic migrants face: to consider further movement across borders in search of economic opportunities. Links exist from one category of human movement to another that ensure a circular relationship among them, as when families contain several kinds of migrants, or individuals change status over time.<sup>23</sup>

From a different point of view, states have their own considerations towards refugees, migrants and possible transitions between statuses in the presence of mixed flows. State parties are bound by the 1951 Refugee Convention<sup>24</sup> to provide international protection to asylum seekers, and the question of who is protected by the humanitarian system<sup>25</sup> acquires relevance. But in the case of economic migrants, state sovereignty applies in admission decisions.<sup>26</sup> Some states allow for transitions between categories.

From the perspective of the individual, if they can choose a country of destination, both forced migrants and economic migrants will take economic factors into account.<sup>27</sup> However, for forced migrants, choices about destination are limited. This becomes a key difference with economic migrants, which in turn influences economic performance, according to Betts et al.<sup>28</sup> Finally, forced migrants have opportunities and constraints that differ from those of nationals, but they are sometimes perceived as competing with locals for jobs.<sup>29</sup>

### 1.2 *Other factors affecting livelihoods*

In a situation of forced movement, decisions concerning livelihoods depend on a complex series of factors. Several authors cite social capital among assets for livelihoods. Van Hear adds to this list mobility and the possibility of movement among categories;<sup>30</sup> Jacobsen, skills, experience, education and health;<sup>31</sup> and Betts et al, agency and potential for innovation.<sup>32</sup> Social capital can be a bonding force within a foreign community or a bridge with locals. Created in spite of vulnerability, it acts as a safety net.<sup>33</sup> Additionally, networks offering support elsewhere can foster further movement.

19 Jacobsen, K. 2014. Livelihoods and forced migration. In: E. Fiddian-Qasmiyeh et al., eds. *The Oxford handbook of refugee and forced migration studies*. Oxford: Oxford University Press, p98.

20 Van der Klaauw, J. 2009. Refugee rights in times of mixed migration: Evolving status and protection issues. *Refugee Survey Quarterly* 28(4), p60.

21 Long, K. 2015. From refugee to migrant? Labor mobility protection's potential. *Transatlantic Council on Migration, Migration Policy Institute*, p3.

22 Jacobsen 2014, n19, p99.

23 Van Hear, N. 2003. *From durable solutions to transnational relations: home and exile among refugee diaspora*. Copenhagen: Centre for Development Research.

24 Refugee Convention. 1951. *Convention Relating to the Status of Refugees*. United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Geneva, 2–25 July.

25 Larreátegui, P. 2011. *Las trabas ocultas del sistema humanitario*. Quito: Abya Yala and FLACSO.

26 Angenendt et al 2017. *Mixed migration: Challenges and options for the ongoing project of German and European asylum and migration policy*. Berlin: Bertelsmann Stiftung.

27 World Bank Group. 2017. *Forcibly displaced: Toward a development approach supporting refugees, the internally displaced, and their hosts*, cited in Angenendt et al 2017, n26, p10.

28 Betts, A. et al 2016. *Refugee economies: Forced displacement and development*. Oxford: Oxford University Press.

29 Betts et al 2016, n28, p57.

30 Van Hear 2003, n23.

31 Jacobsen 2014, n19.

32 Betts et al 2016, n28.

33 Uzelac, A. et al. 2018. The importance of social capital in protracted displacement. *Forced Migration Review* 57, p28.



Across the livelihood and refugee economies approaches, there are two factors that affect access to livelihoods: absence of the right to work and an environment that is 'weighted against' refugees,<sup>34</sup> also described as 'discrimination and xenophobia'.<sup>35</sup> Other negative elements are absence of adequate credentials,<sup>36</sup> economic deprivation and limited access to assistance.<sup>37</sup> In turn, efforts towards self-reliance are prompted by the absence of humanitarian assistance.<sup>38</sup>

Support for refugees increasingly includes livelihood programmes. These efforts should carefully consider context information, particularly in relation to hosts. In southern contexts where accessing jobs can be challenging even for locals, the best assistance programmes are those that respond to the needs of forced migrants and hosts, since an exclusive focus on assistance to refugees may be perceived as reverse exclusion. Furthermore, inclusive solutions can create synergies between refugees and locals.<sup>39</sup>

It may be noticed that factors favouring livelihoods are all intrinsic characteristics, or result from the initiative of forced migrants, while negative issues appear to be limitations imposed by their new environment. As they strive to seek opportunities for economic survival, their access to livelihoods is determined by factors within and beyond their reach, including power relations.<sup>40</sup>

### 1.3 *Different kinds of power at play*

Foucault describes how political power intervenes in relation to the economic role of individuals, since – in capitalist societies – they are a production force that is considered useful only if it is subject to control.<sup>41</sup> For this control to exist, a microphysics of power is instrumented in the space lying between institutions and the individual. Networks of micropowers include manoeuvres, tactics and dispositions.<sup>42</sup> But power is fluid, and as found in 'strategies, discourses and forms of organization ... [it is] not inherent to institutions, actors or social positions'.<sup>43</sup> De Haan and Zoomers cite room for manoeuvre as a response to power described by Villarreal, particularly for the case of women, and related to agency.<sup>44</sup>

Power can restrict access to livelihoods for forced migrants. Due to a series of inclusion and exclusion practices within political, social and economic relations, opportunities may slip out of their reach. Laws and policies can be restrictive; so can be bureaucracies implementing laws.<sup>45</sup> Discriminatory stances in the public, and corrupt practices like bribes, produce a 'culture of fear' that affects access to opportunities.<sup>46</sup> Employers may favour local candidates in their choice of employees, and potential clients of street vendors can discriminate whose product they buy. The national origin of migrants is often a factor that can 'legitimize this fencing-in of opportunities'.<sup>47</sup> The question arises if regular status, controlled by the exercise of power by authorities and bureaucracies, is a decisive factor in access to livelihoods or in the economic impacts of migrants. The answer is not clear in developing countries, where refugees tend to work informally.<sup>48</sup>

### 1.4 *Economic and political considerations*

Development is seen as a reason to alleviate economic migration, and democratisation as a factor to reduce forced migration.<sup>49</sup> However, economic growth has to be associated with formal job creation, better formal employment opportunities (and improved conditions in informal jobs). If it fails to do so, growth will 'continue to generate inequality, poverty and vulnerability'.<sup>50</sup>

Globally, no state – let alone the low- and middle-income countries hosting the majority of refugees – can manage large, protracted refugee situations on its own.<sup>51</sup> In the search for new modalities of international assistance, the Jordan

34 Jacobsen 2014, n19.

35 Betts et al 2016, n28.

36 Jacobsen 2014, n19.

37 Betts et al 2016, n28.

38 Jacobsen 2014, n19.

39 Jacobsen 2014, n19, pp108–109.

40 De Haan, L. and Zoomers, A. 2005. Exploring the frontier of livelihoods research. *Development and Change* 36(1), pp44–45.

41 Foucault, M. 1975. *Surveiller et punir: Naissance de la prison*. Paris: Gallimard, p30.

42 Foucault 1975, n41, pp30–33.

43 Villarreal, M. 1994. *Wielding and yielding: Power, subordination and gender identity in the context of a Mexican development project*. Wageningen, p223.

44 Villarreal 1994, n43; see n21. Villarreal 1994 in De Haan and Zoomers 2005, n40, p37.

45 Jacobsen 2014, n20; Betts et al 2016, n28.

46 Jacobsen 2014, n19, p106.

47 Villarreal 1994 in De Haan and Zoomers 2005, n40, p34.

48 Jacobsen 2014, n19, p105 and Böhme, M. and Kups, S. 2017. *The economic effects of labour immigration in developing countries: A literature review*. OECD Working Paper No. 335.

49 Zolberg, A. 2001 "Beyond the crisis" in A.R. Zolberg and P.M. Benda, eds. *Global Migrants, Global Refugees: Problems and Solutions*, Berghahn Books, New York, cited in Nyberg-Sorensen et al. 2002. *The migration-development nexus: Evidence and policy options*. *International Migration* 40(5), p26.

50 ILO. 2014. *Transitioning from the informal to the formal economy*. Report V (1). International Labour Conference, 103rd session, p10.

51 United Nations General Assembly. 2016. *New York Declaration for Refugees and Migrants*. UNGA Seventy-first session, 13 September [7].

Compact<sup>52</sup> uses development strategies to promote jobs for refugees and locals, through changes in government policy, use of special economic structures and negotiated trade concessions.

Although it has been perceived by some as focusing on north-centred comparative advantage theories and allegedly warehousing refugees, lessons from the compact in Jordan may be useful for policy change and job creation in contexts of high unemployment and low investment.<sup>53</sup> Donors and political will are essential elements. The compact allocates the largest share of jobs to locals for adequate political management.<sup>54</sup> However, it is a complementary solution, after protection for those in vulnerable situations is ensured. Additionally, the Jordan Compact appears not to have taken refugee expectations and preferences sufficiently into account, resulting in their low interest in the types of jobs created.<sup>55</sup> This shows the importance of engaging organised refugees<sup>56</sup> and humanitarian organisations early in the negotiation of such solutions, as well as the need for humanitarian and development actors to learn to better work together.<sup>57</sup>

Developing countries adapt differently to migrant flows. Additionally, the impact of migrants on low- and middle-income economies depends on the context and the characteristics of migrants themselves.<sup>58</sup> In order to study their economic impact, northern theories need to adapt to southern characteristics like scarce capital availability, inelastic supply of production factors and limited ability of governments to expand services.<sup>59</sup> From the point of view of labour, strengthening labour migration management capacities would lead to better results.<sup>60</sup>

### 1.5 Labour mobility of refugees

The labour mobility of refugees has been discussed by Van der Klaauw 2009; Long 2009, 2013, 2014, 2015; Long and Crisp 2010; Long and Rosengaertner 2016, Collett et al 2016 and Van Hear et al 2012. In the refugee field, labour mobility proposals tend to focus on the continuity of protection. More formal labour opportunities may be available to refugees if they are allowed to keep their protected status across borders.

On the subject of refugee cross-border movement, the 1951 Refugee Convention<sup>61</sup> endeavours to facilitate transfer of assets. Resettlement presently depends on third-country initiative rather than on refugee agency. Article 28 of the Convention regulates the issuance by the country of asylum of travel documents for recognised refugees.<sup>62</sup>

Although there is no reference in the Convention to the case where the refugees would establish themselves elsewhere by their own agency, and continue to be refugees, no legal or technical hindrances for this are mentioned either, as Bello notes.<sup>63</sup> In many cases, those who await or have been granted refugee status are only able to move across borders through irregular movement for purposes such as non-seasonal work. Long maintains that the mobility of refugees and forced migrants needs to be better protected, for example by creating legal pathways for movement, since illegal ones expose them to risks.<sup>64</sup> Conversely, protection and assistance offered to them should allow more flexibility for movement.<sup>65</sup> In the presence of regional integration schemes that allow regional migrants to work as economic migrants instead of waiting for asylum, movement is allowed, but at the expense of renouncing refugee status and the kind of protection that it entails: *non refoulement* or non-devolution and access to basic rights like food, healthcare, shelter, family unity and the right to work. Many prefer this option, thus renouncing protection.<sup>66</sup> This can involve modalities that grant forced migrants access to a legal stay on the basis of solidarity instead of through the 1951 Refugee Convention.<sup>67</sup> The question arises if these alternative modalities undermine the refugee regime.<sup>68</sup>

52 CGD-IRC. 2017. Refugee compacts: Addressing the crisis of protracted displacement. Washington D.C. and New York: FDDSG. On the Jordan compact, the FDDSG warns that economic zones could generate exploitation, enlarge inequality gaps or yield unequal benefits for migrants and locals. The compact had been featured in Refugee by Betts and Collier as a creative response to a protracted refugee crisis.

53 CGD-IRC 2017, n52.

54 Jacobsen 2014, n19.

55 Howden, D. et al. 2017. The compact experiment: Push for refugee jobs confronts reality of Jordan and Lebanon. Refugees Deeply Quarterly December.

56 For incorporation of preferences and practices of refugees and forced migrants, categories used in a 2017 study of Syrian refugees in Europe by Betts et al are a useful reference.

57 CGD-IRC 2017, n52, pp. vii–viii and 20.

58 ILO and OECD. 2018. How immigrants contribute to developing countries' economies. Paris: OECD Publishing.

59 Böhme and Kups 2017, n48.

60 ILO and OECD 2018, n58.

61 Refugee Convention 1951, n24.

62 Bello, J. 2015. El MERCOSUR y la protección internacional: aplicabilidad de las políticas migratorias regionales a la luz del Derecho Internacional de los Refugiados. Cartagena+30 UNHCR consultancy report, pp53–59.

63 Bello 2015, n62, p55.

64 Long, K. 2009. Extending protection? Labour migration and durable solutions for refugees. UNHCR Research Paper No. 176, p13; Long 2015, n21.

65 Long 2015, n21.

66 Bello 2015, n62; Collett, E. et al. 2016. No way out? Making additional migration channels work for refugees. Brussels: Migration Policy Institute Europe.

67 Parent, N. 2017. Falling short of protection: Peru's new migration scheme for Venezuelans. Forced Migration Review 56, p41.

68 Long 2015, n21.

## 1.6 Global commitments

The Global Compact on Refugees,<sup>69</sup> adopted in 2018 as a non-binding instrument, is a recent development regarding the international response to forced displacement. Among its four objectives, two involve the enhancement of refugee self-reliance, and the creation of legal paths for refugees into third countries. The compact incorporates the Comprehensive Refugee Response Framework (CRRF),<sup>70</sup> region-specific initiatives and a plan of action and support platform<sup>71</sup> to help countries and communities respond to refugee situations.

Protection is mentioned in the introduction of the complementary pathways for admission, which include pilot programmes concerning the labour mobility of refugees.<sup>72</sup> In addition to humanitarian assistance, the compact also mentions development cooperation.<sup>73</sup> The language of the compact is strongly linked to the 2030 Sustainable Development Agenda, showing that development concerns will likely be linked to labour mobility considerations.

Referring to the use of recently proposed tools to match refugee preferences and labour market needs in mobility schemes,<sup>74</sup> Schuettler discusses the uses and limitations of algorithms employed for matching exercises, and reminds that refugee admission should not obey economic considerations.<sup>75</sup> Besides protection requirements, an ethical balance between refugee choices and state preferences would avoid treatment of refugees as 'human supplies'.

Finally, women's share in migration, including forced migration, is increasing linked to economic and social changes.<sup>76</sup> Focusing on forced migrants, Aysa-Lastra reflects on women's greater flexibility in adapting to new environments when forced to flee, and how 'women in displacement, like women left behind by migrants, are forced to fill new roles that change gender power relations.'<sup>77</sup>

Relevant theories analyse livelihoods, inclusion/exclusion through power relations, perceptions of burden or benefit, drivers for movement and protected mobility as a possible solution for forced migrants. While scholars focus on individuals, a state-centred approach is presented by certain organisations. This research focuses on individuals, their pursuit of livelihoods or further movement and the role that power plays in migration issues. The next chapter will focus on the context in which forced migrants arrive in Ecuador, and what they find in the legal, economic and practical arenas.

69 UNHCR. 2018d. Report of the United Nations High Commissioner for Refugees. Part II. Global Compact on Refugees. General Assembly, seventy-third session, September [94–95].

70 An example of CRRF building on the Brazil Plan of Action and the San Jose Action Statement can be found in MIRPS 2018 and in the plans resulting from agreements reached at the 2017 San Pedro Sula Regional Conference in MIRPS 2018.

71 On the need for such a platform see Aleinikoff, A. 2017. Responsibility-sharing and mobility: Two ideas for the second consultation on the Global Compact on Refugees. Forced Migration Forum, 22 October.

72 UNHCR. 2018d, n69 [94–95].

73 UNHCR. 2018d, n69 [32].

74 See Jones, W. and Teytelboym, A. 2017. The international refugee match: A system that respects refugees' preferences and the priorities of states. *Refugee Survey Quarterly* 36(2), pp84–109; Bansak, K. et al. 2018. Improving refugee integration through data-driven algorithmic assignment. *Science* 359(6373), pp325–329, and earlier algorithms created by J. Fernández-Huertas Moraga and Rapoport, H. 2014. Tradable immigration quotas. *J. Public Econ.* 115, 94–108 2014 and Andersson, T. and Ehlers, L. 2016. Assigning Refugees to Landlords in Sweden: Stable Maximum Matchings. Lund University. [http://project.nek.lu.se/publications/workpap/papers/wp16\\_18.pdf](http://project.nek.lu.se/publications/workpap/papers/wp16_18.pdf).

75 Schuettler, K. 2018. A new algorithm to increase refugee employment through smarter placement. Forced Migration Forum, 21 February.

76 Nyberg-Sorensen et al 2002, n49.

77 Aysa-Lastra, M. 2011. Integration of internally displaced persons in urban labour markets: A case study of the IDP population in Soacha, Colombia. *Journal of Refugee Studies* 24(2), p283.

## 2. Chapter 2: Testing new legislation in a challenging context

Forced migrants from two countries in South America dominate present arrivals in Ecuador. This section will present who is arriving, their reasons for flight and the legal, economic and everyday life conditions that they encounter upon arrival.

UNHCR reported in September 2018 that Ecuador had the largest regional number of asylum requests and the largest historical number of recognised refugees in the region (mainly Colombian), and that 300,000 Venezuelans were expected to be living in Ecuador by year's end.<sup>78</sup> The fact that Ecuador has recognised more refugees than other countries in the region could be interpreted as evidence of Ecuadorian compliance with international refugee law, and of the value of asylum as a path to respond to the plight of populations at risk, either under the 1951 Convention or the Cartagena refugee definition.

Ecuadorian law guarantees the right of *non-refoulement* (protection from devolution to the country of origin), equality of foreigners before the law, non-discrimination and the prohibition to be subject to criminal penalties because of a migratory condition. Importantly, lack of documents is not an impediment to present an asylum claim. A comparatively speedy process for regional (working) visas has led many who are in need of asylum to either choose or revert to such visa types. This leads to the reflection that no matter the migratory condition granted to them, a person in need of protection should be able to present a case for asylum.

Asylum seekers in Ecuador have the right to stay until their case is resolved, and to appeal decisions. If they are in a vulnerable situation, they can access international assistance in Ecuador, albeit modest and limited in time. They also have the right to work.<sup>79</sup> However, this is not applied in all stages of the asylum process, as will be seen later.

### 2.1 Colombians: the flight continues

Colombian asylum seekers continue to seek protection in Ecuador after the 2016 peace agreement by the Colombian government and the armed group Fuerzas Armadas Revolucionarias de Colombia (FARC).<sup>80</sup> Reasons have to do with activity by other armed groups, FARC dissidents, paramilitary organisations and criminal groups involved in drug production and trafficking, but also with the dynamics of peace agreements.<sup>81</sup> Violence continues to push Colombian families into Ecuador, particularly when conflict touches border areas. The latest figure available for Colombian entries at the time of writing was that of 2016: a monthly average of 423,<sup>82</sup> and growing. In January to September 2018, their number had increased by 15% compared to the same period in 2017.<sup>83</sup>

Absent more recent studies on Colombian refugees in Ecuador, a 2014 description of Colombians in Quito is useful for urban characterisation. It describes 70% of Colombian refugees as living in urban areas. The study found a majority of young couples, mostly under thirty, with small children. Approximately one quarter of the members of Colombian households were Ecuadorian, with nationality acquired by birth in Ecuador (48.5% of children), or by marriage.<sup>84</sup>

Among Colombians of working age, 94% generated income, 57% reported working for someone and 28% reported owning their own business, while 60% of refugees and asylum seekers received assistance.<sup>85</sup> According to numbers cited by UNHCR, by 2016 approximately one out of every four Colombians who had asked for asylum in Ecuador had been recognised as a refugee.<sup>86</sup>

### 2.2 Venezuelans: massive and precarious arrivals

Since the death in 2013 of President Chávez and his replacement by Nicolas Maduro, at least 7% of the Venezuelan population has left the country.<sup>87</sup> Among drivers for migration<sup>88</sup> are hyperinflation and salary depreciation leading to unfulfilled basic needs, along with the 'massive human rights violations' included in the Cartagena definition as one of the criteria for being considered a refugee.<sup>89</sup> Besides the scarcity of food and medicine, precipitating factors for

78 In 2018, Colombian asylum claims in Ecuador were outnumbered for the first time by Venezuelan claims; Martín 2018a, n5.

79 Registro Oficial. 2017a. Organic Law for Human Mobility, arts 2, 98, 99.

80 La Hora. 2017. Pese a acuerdo de paz hay 30% más de solicitantes colombianos de refugio en Ecuador. 20 December. [www.lahora.com.ec/imbabura/noticia/1102122675/pese-a-acuerdo-de-paz-hay-30-mas-de-solicitantes-colombianos-de-refugio-en-ecuador](http://www.lahora.com.ec/imbabura/noticia/1102122675/pese-a-acuerdo-de-paz-hay-30-mas-de-solicitantes-colombianos-de-refugio-en-ecuador); Alto Comisionado para la Paz. 2016. Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera. Acuerdo Final. 24 November, Bogota. [www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Documentos%20compartidos/24-11-2016NuevoAcuerdoFinal.pdf](http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Documentos%20compartidos/24-11-2016NuevoAcuerdoFinal.pdf)

81 Martín, M.C. 2018b. Repercusiones para el Ecuador de la firma de paz entre el estado colombiano y las FARC. Perspectivas desde el contexto de la protección de refugiados. Revista de Ciencias de Seguridad y Defensa 4(2). <http://geo1.espe.edu.ec/wp-content/uploads/2018/10/5.pdf>.

82 UNHCR. 2016. Global Focus. Operation: Ecuador. Year-end report.

83 Martín 2018a, n5.

84 Moscoso, R. and Burneo, N. 2014. Más allá de las fronteras: la población colombiana en su proceso de integración urbana en la ciudad de Quito. Quito: UNCHR, pp42–46.

85 Moscoso and Burneo 2014, n84, pp42–46.

86 Martín, M.C. 2018b, n81.

87 Valencia, J. 2018. Drama venezolano: ¿qué hacer? 4 Pelagatos, 11 September. Foreign Minister participation in public debate.

88 Van Hear, N. et al. 2012. Drivers of migration. University of Oxford, Migrating out of Poverty Research Programme. March.

89 Colloquium on the International Protection of Refugees in Central America, Mexico and Panama. 1984. Cartagena Declaration on Refugees.

movement include violent repression and fear of border closure.

Daily flows of 500 to 5,000 Venezuelan nationals entered Ecuador in 2018.<sup>90</sup> Although most continued south to Peru, 26% were registered as staying. In July 2018, Venezuelan nationals became the largest incoming flow into Ecuador (outnumbering Colombians).<sup>91</sup> However, historical recognition of Colombian refugees contrasts with minimal recognition for Venezuelan asylum seekers, initially attributed to links between the Ecuadorian government and the Venezuelan regime.<sup>92</sup>

Venezuelans settling in Ecuador between 2014 and 2016 were mostly qualified professionals,<sup>93</sup> but those arriving since 2017 had lower qualifications and were more vulnerable. A 2018 IOM survey describes 86% of Venezuelan respondents in Quito as being eighteen to forty years old, 38% temporarily or permanently residing in Ecuador, 33% employed, 54% working independently and 11% unemployed. The majority (71%) reported work activity different from that in Venezuela, and most of them earned less than minimum wage (69% of women and 77% of men). While 15% had received some type of assistance, 36% had not eaten for at least one day in the previous week, due to lack of money.<sup>94</sup>

From 2017 to 2018, there has been a shift towards family reunification by Venezuelans in Ecuador, according to UNHCR. In 2017 there was a high proportion of males (75%) and individuals mostly travelling on their own (around 80%). In 2018 children comprise 14% of the total, and 40% of women and girls. Among arrivals, as many as 69% may require international protection.<sup>95</sup>

Cities attract job-seeking Venezuelans. Before reaching Quito, 12% of Venezuelans had stayed elsewhere in Ecuador for a month or more, moving for lack of jobs. Among their priorities is that of sending remittances, since family members staying in Venezuela depend on them for survival. This is one difference from Colombians in Ecuador, who usually arrive in family groups.

### 2.3 *Legal stay and permission to work: just starting points*

Regular status abroad enables forced migrants to access other rights, such as mobility and formal employment. This section describes norms regulating their entry and stay in Ecuador, in the framework of South American arrangements that simplify movement for regional citizens.

#### 2.3.1 *Generously framed regional arrangements*

In South America, common market and integration schemes like Mercosur,<sup>96</sup> the Andean Community<sup>97</sup> and Unasur<sup>98</sup> have reaffirmed an open orientation towards regional movement, giving place to a progressive migration paradigm.<sup>99</sup> However, refugee mobility that might provide access to work opportunities across borders as proposed by Long is not yet operational.<sup>100</sup> General mobility in the region allows intra-regional travel for work purposes through 'regional' visas available for citizens of countries that belong to schemes like Mercosur or Unasur. Based on citizenship criteria, visas named after the two integration schemes grant temporary residence and the right to work, with the option of permanent residence after the first two years.

Ecuador holds the highest concentration of recognised refugees in the region. If they were to leave Ecuador, they would lose their refugee status. However, refugee labour mobility as it is outlined in the Brazil Plan of Action would offer recognised refugees the possibility to move from Ecuador to countries that offer better labour prospects, while keeping their refugee status and the possibility of eventually returning to the country of origin.<sup>101</sup>

Since 2014, Ecuador, an associate of the Mercosur scheme, offers citizens of the enlarged Mercosur initiative –

22 November.

90 Valencia 2018, n87.

91 Interview 13.

92 Interview 11; see also n156.

93 IESS. Nd. 120 médicos cubanos se integran al IESS. The previous Ecuadorian regime had brought Cuban, then Venezuelan physicians to Ecuador to work in the public sector, through bilateral schemes.

94 IOM-DTM. 2018. Monitoreo de flujo de movilidad humana: Ecuador. Round 1, April–May 2018.

95 Martín 2018a, n5.

96 Mercosur (1991): Market-based integration effort involving nine of the twelve countries in the region. Full members are Argentina, Uruguay, Paraguay and Brazil. Venezuela is temporarily suspended and Bolivia is in the process of becoming a member. Ecuador, Peru and Colombia are associate countries. See [www.mercosur.int/](http://www.mercosur.int/).

97 Andean Community (1969): Includes Colombia, Ecuador, Peru and Bolivia. Venezuela and Chile held brief memberships. Nationals of member countries can cross borders with their national ID. See SELA 2014.

98 Unasur (2008): Union of South American Nations, formed by all regional countries. In 2018 Colombia announced its separation, and Brazil, Argentina, Chile, Peru and Paraguay temporarily suspended their membership (see *El Comercio* (Lima) 2018). The organisation advocates for 'South American citizenship' (SELA 2015) and for progressive recognition of rights of regional citizens residing in other regional countries, including asylum seekers (see Grupo de Trabajo sobre Ciudadanía Suramericana. 2014. Informe Conceptual. Unasur).

99 Acosta, D. and Freier, L.F. 2018. Regional governance of migration in South America. In: Triandafyllidou, A., ed. *Handbook of migration and globalisation*. Cheltenham: Edward Elgar.

100 Long 2015, n21.

101 Brazil Declaration and Plan of Action. 2014. Brasilia, 3 December, pp13 and 14.



including Colombia, but not Venezuela in 2018 – a ‘concrete, simple and efficient’ alternative for acquiring regular status and enjoying rights.<sup>102</sup> The Mercosur visa grants two years of residence, permission to work and potential access to permanent residence. It is free of cost for Colombians thanks to a bilateral agreement.<sup>103</sup> Meanwhile, Venezuelans can access the Estatuto Permanente Ecuador-Venezuela (EMEV) visa, a bilateral arrangement established in 2010, granting a renewable, one-year work permit,<sup>104</sup> or the Unasur visa introduced in 2017, which grants a renewable two-year work permit just like the Mercosur visa. However, a temporary residence Unasur visa costs USD250, and EMEV USD450,<sup>105</sup> which is a practical barrier against the regular status of Venezuelans. Few have savings, and most need to work informally to finance visas that will in turn grant them permission to work.

### 2.3.2 Renouncing international protection?

Mobility between migratory categories is possible in Ecuador, and it may enable livelihoods or opportunities for further movement.<sup>106</sup> Due to long processing periods or other problems related to refugee status, since 2014 many Colombian asylum seekers have renounced international protection and instead have chosen to stay in Ecuador on a Mercosur visa. Rejected asylum seekers facing return are also assisted by UNHCR to access this visa, for the sake of attaining regular status. Since this is an ‘either or’ situation, their Mercosur visa formally makes them economic migrants, not protected against *refoulement*, but still able to access modest assistance destined for ‘persons of concern’ by UNHCR, according to vulnerability criteria.

In a related phenomenon, many Venezuelans who may be eligible for international protection presently opt for the Unasur visa in Ecuador. But apparently simple Unasur visa requirements – turned into obstacles by the long and expensive bureaucratic processes needed to obtain documents in Venezuela, along with extended waiting periods for visa appointments (around six months in mid-2018)<sup>107</sup> – could make asylum seem like a more appealing option to attain regular status. However, asylum seekers encounter an even lengthier process in which they have no guarantee of access.<sup>108</sup> Long waiting times for asylum processing were reported by refugee advocates in 2018, notwithstanding government plans to address the oldest pending cases, which would reduce backlogs.<sup>109</sup>

According to Bello, the position in which an exclusive choice has to be made between categories (either refugee or migrant) fails to consider the legal concept of refugee and ‘leads refugee rights...to depend on migration regimes.’<sup>110</sup> Bello cites a 2014 sub-regional Andean civil society consultation meeting recommendation suggesting that refugee status be separated from the migratory category that countries would assign to individual refugees, so that they may have the opportunity to become permanent residents whilst keeping refugee status.<sup>111</sup> Following this reasoning, a person should be able to present a case for asylum even if they already have a Mercosur or Unasur visa, since the fact that a migratory condition has been granted to them does not mean that the dangers which forced them to flee have disappeared.

The portability of the condition of refugee would be made possible if the migratory category was separated from the juridical condition of refugee, and if this happened in more than one country.<sup>112</sup> However, up to the present moment, no agreement between countries has been reached on the substantive issue: ‘the labour migration subject...that individuals may not be forced to choose between the refugee visa and Mercosur. To cross borders with refugee status’<sup>113</sup>

Portability is recommended in a 2014 regional Mercosur civil society position paper drafted within the Cartagena +30 initiative and cited by Bello, which called countries in the region to ‘[e]stablish a regional integration instrument that contemplates the free circulation of refugees...between the different countries and that adopts the principle of rights

102 Bello 2015, n62, p7.

103 Acosta, D. and Freier, L.F. 2015. Turning the immigration policy paradox upside down? Populist liberalism and discursive gaps in South America. *International Migration Review* 49(3). The cost of applying for any visa is USD50, except for humanitarian visas, which are free.

104 In the last decades of the twentieth century, EMEV facilitated the regularisation process for approximately 60,000 Ecuadorian migrants in Venezuela, according to context information.

105 Ministerio de Relaciones Exteriores y Movilidad Humana. Nd. Visas. See Annex 3, Table 3.9.

106 Van Hear 2003, n23.

107 Interview 13.

108 No recent information on recognition rates by nationality has been published in Ecuador. Regarding earlier low recognition rates, see Calderón, A.Y. 2017. Aplicación del procedimiento de regularización para obtener el estatus de refugiado de las personas colombianas en la Coordinación Zonal 1 del Viceministerio de Movilidad Humana durante los últimos cinco años. IAEN, Tesina de especialización en Migraciones, Globalización y Políticas Públicas. Quito, July, pp28–34.

109 Interview 2.

110 Bello 2015, n62, p73.

111 Cartagena +30. 2014. Andean sub-regional thematic consultation: International protection, durable solutions and international cooperation. Summary of conclusions and recommendations. Quito, June 9–10. [www.unhcr.org/54b53b2c9.pdf](http://www.unhcr.org/54b53b2c9.pdf). Other civil society recommendations include the reinforcement ‘of the principle of extraterritorial recognition of refugee status for the purpose of *non-refoulement*’; an impact assessment of the regional policy framework regarding the movement of refugees from countries in the region; recognition ‘that migration alternatives may be an option for people who have not had access to international protection...maintaining the right to apply for international protection as refugees’; and to consider migration as a possible fourth durable solution in South America in which refugees and asylum seekers could benefit from options for movement.

112 Bello 2015, n62, p15.

113 Interview 2.

portability, with the person considered a subject of rights.<sup>114</sup> The possibility for refugees to move to another country and preserve their refugee status is already envisaged in Ecuador through the LOMH provision on 'extraterritoriality', meaning portability (or mobile applicability) across borders of the rights implicit in refugee status. At present, the only practical step, a possible arrangement between Brazil and Ecuador towards refugee mobility, is still at negotiation stage, according to a government official.<sup>115</sup>

Obstacles faced by asylum seekers and refugees which have driven them to change categories in Ecuador may elicit further thinking to prevent the erosion of refugee rights.<sup>116</sup> In a related subject, Parent denounced the direction taken by ad hoc regimes created for admittance of Venezuelans in Peru through the Temporary Permit (PTP), based on generosity rather than rights.<sup>117</sup> Appeals made by the InterAmerican Commission on Human Rights and UNHCR to grant international protection to those Venezuelan nationals who need it have been only partially observed.<sup>118</sup> Finally, the aspiration to portability of refugee status requires that more than one country in the region may legislate on separation between migratory condition and refugee status. This would imply a recognition of the importance of refugee status and the need to complement it, not substitute it, with a migratory condition. However, under the strain of numbers this issue was not discussed in 2018.

### 2.3.3 *Equal rights for all in Ecuador?*

The 2008 Ecuadorian Constitution includes generous principles linked to human movement, such as universal citizenship and freedom of mobility for all,<sup>119</sup> in line with the definition of humanitarianism suggested by Gibney.<sup>120</sup> Regional tradition favouring movement may have inspired this, but a particular reason for openness is found in the experience of numerous Ecuadorian migrants, driven out by economic hardship at the turn of the century. Ecuador has sought to protect its citizens abroad and to model an 'ideal' legislation for migrants as a result.<sup>121</sup> This is consistent with its open-border policy.<sup>122</sup> Ecuadorian migrant lobby groups were active in drafting both the Ecuadorian 2008 Constitution, which calls for the 'progressive extinction of the status of alien or foreigner',<sup>123</sup> and the 2017 Human Mobility Act (LOMH).<sup>124</sup> However, generous principles are difficult to meet in practice in Ecuador, as will be seen below.

### 2.3.4 *The Organic Law for Human Mobility: an imperfect instrument*

Although enacted in February 2017, full implementation of LOMH was delayed until October 2017 due to the publication of accompanying regulations in August.<sup>125</sup> LOMH sets out the rights and obligations of people in movement,<sup>126</sup> and reaffirms several constitutional principles: universal citizenship, the right to freedom of movement and the prohibition on considering someone illegal due to their migratory status.

LOMH also regulates specific mechanisms, established by Ecuador, for residence in its territory of citizens of all other South American countries. For them, requirements for temporary residence include: either a passport or a national ID or nationality certificate; application document; criminal record; not being considered a menace to internal security; and payment of fees.<sup>127</sup> Requirements for a permanent visa additionally include proof of licit survival means for the applicant and the dependent family.<sup>128</sup> In an exception established in the treatment of Venezuelan visa demands, Venezuelan nationals do not have a choice among identity documents to be used: they must present their passport.<sup>129</sup> Another exception for Venezuelans dictates that their criminal record – unlike that of Colombians – must be apostilled.<sup>130</sup>

114 Registro Oficial. 2017b. n79, art 109; Civil society position paper of Mercosur countries in the framework of the commemoration of Cartagena +30, Buenos Aires, 14 March 2014, p2. [www.unhcr.org/54b537679.pdf](http://www.unhcr.org/54b537679.pdf).

115 Interview 2.

116 Long 2015, n21.

117 Parent 2017, n67, p41. The Colombian scheme follows a similar pattern.

118 Interview 7.

119 Asamblea Nacional República del Ecuador 2011, n6, art 416.6.

120 Gibney, M. 1999. Liberal democratic states and responsibilities to refugees. *The American Political Science Review* 93(1), pp169–181.

121 Eguiguren, M.M. 2018. Política migratoria del Ecuador. In: *Nuevas migraciones y transformaciones en las políticas migratorias en países de América del Sur*. Regional Conference on Movilidad Humana en América Latina y Ecuador: Nuevos contextos y desafíos. FLACSO Ecuador, 6–8 March.

122 Ecuador requires tourist visas from citizens of Afghanistan, Bangladesh, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan, Somalia, Senegal, Cuba and the Democratic Republic of Korea.

123 Asamblea Nacional 2011, n6, art 416.6.

124 Registro Oficial 2017a, n79.

125 Interview 2; Registro Oficial. 2017c. Reglamento a la Ley Orgánica de Movilidad Humana. Resolución 111, Suplemento 55, 10 August.

126 Registro Oficial 2017a, n79, art 1.

127 Registro Oficial 2017a, n79, art 85.

128 This requirement has been questioned before the Constitutional Court for hindering family reunification.

129 Andean Community regulations facilitate movement across borders for nationals of its member countries (Ecuador and Colombia among them) with national ID cards instead of passports. Although Venezuela is not presently a member, LOMH extends this benefit to all South Americans entering Ecuador.

130 Legalised. These requisites are not expressed in LOMH and in practice do not apply to Colombians.



Requisites	Residence – General		Residence – South Americans		Specific requirements
	Temporary	Permanent	Temporary	Permanent	
Justification of the visa category for which the person applies: worker, rentier, retiree, investor, academic, sports, religious, volunteer, student, professional, international agreement, family protection or international protection	x				
Valid passport (at least six months) or travel or identity documents recognised by international instruments	x	x	X	X	Only passport accepted
or national ID or consular certificate			X	X	
Criminal record issued by previous country of residence for last five years	x	x	x	x	x (Apostilled)
Ecuadorian criminal record				x	x
Migratory movement document				x	x
Not being considered a menace	x		x	x	
Proof of lawful income to ensure subsistence of the visa holder and their dependent family	x	x		x (*)	Only permanent: x (*)
Payment of fee	x	x	x	x	x
Duly filled form	x		x	x	x
Justification of at least one of the following conditions: - at least twenty-one months of temporary residence, form presented before migratory condition prescribes; - legally recognised marriage with an Ecuadorian; - being a foreign minor or disabled person that is a dependent of an Ecuadorian or a permanent resident in Ecuador; - being related up to second degree of consanguinity to an Ecuadorian or a permanent resident in Ecuador		x			

x: Either one of the three documents marked with a capital X fulfills this requisite.

(\*) Proof may be one of the following:

Social Security Institute (IESS) labour certificate covering at least four consecutive months; taxpayer ID (RUC) and income tax paid for the previous year; RUC and Value Added Tax declaration for the past four months; Simplified Tax Regime (RISE) – mentioned for Mercosur visa only; payroll or receipt of payment of at least one Unified Basic Salary (UBS) for the last three months; retirement certificate, apostilled – Unasur visa only; investment that allows for monthly income of at least one UBS – Unasur visa only; if member of a religious or non-profit organisation, certificate proving their payment of subsistence costs for the visa applicant (food and lodging) – Unasur visa only.

Source: LOMH and MREMH webpage ([www.cancilleria.gob.ec/emision-de-visa-permanente-mercotur/](http://www.cancilleria.gob.ec/emision-de-visa-permanente-mercotur/); [www.cancilleria.gob.ec/emision-de-visa-permanente-unasur/](http://www.cancilleria.gob.ec/emision-de-visa-permanente-unasur/); [www.cancilleria.gob.ec/emision-de-visa-temporal-unasur/](http://www.cancilleria.gob.ec/emision-de-visa-temporal-unasur/)).

Table 2.1 Requirements for visas

The above concerns visa requirements. Before that, however, border entry also presents challenges. The LOMH requirement of a national ID for border entry for South Americans was replaced in the specific case of Venezuelans. At a high point in the migratory flow (August 2018), a Ministry of Interior decree established passports as the mandatory entry document for Venezuelans.<sup>131</sup> This was later challenged by the People's Defendant<sup>132</sup> and temporarily suspended on 24 August 2018.

LOMH includes both the 1951 Refugee Convention<sup>133</sup> and the Cartagena<sup>134</sup> definitions of refugee.<sup>135</sup> Submission of asylum applications is without charge and the delay to present an asylum request is 90 days from entry (art 100). LOMH has preserved<sup>136</sup> the accelerated procedure that Ecuador had adopted in the last decade, which adds to the process a filter of admissibility applying to all asylum seekers.<sup>137</sup> 'Non admittance' is determined with one interview.<sup>138</sup> Upon a negative outcome, and if an appeal is denied, deportation begins in 15 days. If an application is admitted for RSD processing, asylum seekers are granted a three-month humanitarian visa (renewable for three-month periods) and they have the right to work.

For the RSD process to operate,<sup>139</sup> the applicant must not have returned to the country of origin or have a pending (viz. failed) application in another country. A two-year temporary residence visa is granted to recognised refugees, which may be renewed or changed to permanent residence after eighteen months. Permanent residents may apply for naturalisation. Refugees must seek authorisation before leaving Ecuadorian territory. For them, as for temporary residents, travel is limited to ninety days within a two-year period.<sup>140</sup>

There is room for improvement in LOMH. Human rights defenders have challenged fourteen of its articles as being contrary to the Constitution,<sup>141</sup> seeking suspension of their application; however, their demands have yet to be examined by the Constitutional Court. Contested issues include: the intervention of administrative instead of judiciary authorities for deportation cases; migratory condition limited to those with regular status, requirement of proof of financial stability for family reunion purposes and migratory fines. The presence of large inflows of forced migrants in 2017 and 2018 has put the new law to the test, showing that the existence of a legal instrument does not ensure its compliance. Starting in October 2018, a special effort called Minga Migratoria accelerated the treatment of visa applications, to help address the problems of Venezuelan document expiry as their holders waited several months for visa appointments.<sup>142</sup> Delays and administrative requirements unconnected to LOMH have acted as barriers to regular status for many forced migrants, but certain aspects of LOMH hinder the right to work, as will be seen below.

### 2.3.5 *The practical challenges in giving effect to the right to work*

The 1951 Refugee Convention establishes the obligations in relation to gainful employment of host states regarding refugees 'lawfully staying in their territory'.<sup>143</sup> Human rights instruments setting standards on labour include the 1966 International Covenant on Economic, Social and Cultural Rights, which mentions that rights are 'to be exercised without discrimination of any kind as to...national...origin',<sup>144</sup> and the 1990 Convention for the Protection of All Migrant Workers and Members of Their Families.<sup>145</sup> In order to seek a job and to engage in work, a person needs freedom of movement, and the 1969 American Convention on Human Rights enshrines the right to freedom of movement of '[e]very person lawfully in the territory of a State Party'.<sup>146</sup> Finally, the Solidarity Cities initiative adopted

131 Reuters. 2018 Ecuador exigirá a venezolanos presentación de pasaporte para ingresar al país. *El Universo*, 16 August.

132 The decree established that entry, circulation and exit for Venezuelan nationals required passports starting 18 August 2018, in spite of LOMH art 84. Upon temporary suspension of this measure by the judiciary, the judge demanded a contingency plan for migration management. See España, S. 2018. Una jueza obliga a Ecuador a admitir a venezolanos sin pasaporte durante 45 días. *El País*, 25 August. A requirement for apostilled national Venezuelan IDs was later attempted. Immediately after the Ecuadorian measure, Peru set in place a similar passport requirement.

133 Refugee Convention 1951, n24.

134 Cartagena Declaration 1984, n89.

135 Registro Oficial 2017a, n79, art 98.

136 Registro Oficial 2017a, n79, art 103.

137 Cantor, D. 2013. European influence on asylum practices in Latin America: accelerated procedures in Colombia, Ecuador, Panama and Venezuela. In: Lambert, H., McAdam J. and Fullerton, M., eds. *The global reach of European refugee law*. New York: Cambridge University Press, pp85–91.

138 Failure to attend the interview determines termination of the procedure.

139 Registro Oficial 2017a, n79, arts 104–105.

140 Registro Oficial 2017a, n79, art 109; Ministerio de Relaciones Exteriores y Movilidad Humana. 2017. Decisión Ministerial N°150. 20 December, arts 34–40.

141 Salazar, D. et al. 2017. Demanda de inconstitucionalidad a la Ley de Movilidad Humana presentada a la Corte Constitucional. 10 December and Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Concluding observations on the third periodic report of Ecuador. 5 October.

142 For more information on Minga Migratoria see [www.cancilleria.gob.ec/minga-migratoria/](http://www.cancilleria.gob.ec/minga-migratoria/) and [www.cancilleria.gob.ec/minga-migratoria-preguntas-frecuentes/](http://www.cancilleria.gob.ec/minga-migratoria-preguntas-frecuentes/).

143 Refugee Convention, n24, art 17.1.

144 United Nations General Assembly. 1966. International Covenant on Economic, Social and Cultural Rights, art 2.

145 UNGA. 1990. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. 18 December.

146 Organization of American States. 1969. American Convention on Human Rights. Adopted at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November, art 22.1.

in Mexico and later renamed Local Integration Programme<sup>147</sup> seeks to foster employment of refugees. The degree to which this positive intention has been applied merits study 'especially given the economic difficulties faced by the countries of asylum themselves'.<sup>148</sup>

According to LOMH, citizens of South American states legally admitted as residents can work in Ecuador, and so can refugees and asylum seekers (art 51). Art 50 entitles foreign nationals to register their academic degrees under the same conditions as Ecuadorians. An important new step contemplated in art 44 is the effort to provide new visa holders with the possibility to ask for an Ecuadorian ID (*cédula*).

Frequent rejection of refugee identity documents by potential employers or public servants because of their unfamiliar format excluded refugees from services and livelihood opportunities in the past.<sup>149</sup> Lack of recognition of refugee IDs drove many Colombian asylum seekers and refugees to choose the Mercosur visa over refugee status. *Cédula* delivery for refugees started in November 2017, and as the process started recognised refugees had to wait for renewal of their status (valid for two years) to access a *cédula*. Refugees in vulnerable circumstances could access it immediately,<sup>150</sup> and the process was gradual for other new refugees. Proof of health insurance is a requirement for all *cédula* orders, with an exception made for refugees.<sup>151</sup>

### 2.3.6 Obstacles and lack of clarity

State practice defines in each country the factors affecting 'refugee vulnerability and their ability to pursue livelihoods'.<sup>152</sup> According to UNHCR, refugees in countries that exclude them from the formal labour market have a harder time to reach self-reliance and risk being exploited.<sup>153</sup> This should not be the case in Ecuador, in a region where several countries offer work permits to asylum seekers and refugees.<sup>154</sup> But Acosta and Freier have described gaps between migration discourse and practice in Ecuador, as mobility law has been used politically in the past.<sup>155</sup> In 2018, although the government distanced itself from the Venezuelan regime as the year went on,<sup>156</sup> asylum rates for Venezuelans remained extremely low. Additionally, experience in mid-2018 shows that large migratory inflows can provoke restrictive reactions.<sup>157</sup>

Some LOMH provisions do not facilitate access to jobs, particularly for those who seek asylum. The double admissibility process in operation since 2011 in Ecuador<sup>158</sup> does not consider that those who have yet to pass the admissibility filter have the right to work, although they are technically asylum seekers.<sup>159</sup> During 2018, those who still had to pass the (first) admissibility filter received an A4 letter as proof of reception of their documents. As entitlement to work was unclear for many asylum seekers and their employers, the A4 document was presented when seeking employment, but it was frequently rejected. It was different from the *cédula*-shaped humanitarian visa delivered to those admitted to the second stage of the process (RSD).<sup>160</sup>

Additionally, all asylum seekers, whether or not they are admitted to the RSD process, must renew their documents every three months, which entails a small window of regularity that is unattractive to formal employers. Admissibility and RSD processes may jointly take several years, which perpetuates the need for asylum seekers to visit government facilities for document renewal in the same location where they registered and within the strict three-month

147 Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America. 2004. Mexico City, 16 November; Brazil Declaration and Plan of Action 2014, n101.

148 Mexico Declaration 2004, n147, p9.

149 Arcenales, J., ed. 2014. Derecho al trabajo de las personas refugiadas. Cuadernos de Protección 3. Quito: UNHCR and Universidad Andina Simón Bolívar, p14; Moscoso and Burneo, n84, pp36, 54, 58 and 70.

150 Interview 2.

151 Refugees receive assistance to pay for *Cédula* costs (USD16).

152 Jacobsen 2014, n19, p101.

153 UNHCR. 2014a. Global strategy for livelihoods. A UNHCR strategy 2014–2018, p13. In Ecuador, forced migrants may seek support at the People's Defendant to uphold labour and other rights.

154 UNHCR. 2017. Buenas prácticas legislativas: Repuestas de protección para personas venezolanas. For Venezuelan nationals, this includes Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Nicaragua, Paraguay, Peru and Uruguay. Recognised refugees have the right to work in the above-mentioned countries as well as in Panama.

155 Acosta and Freier, 2015, n103.

156 The Ecuadorian government adopted a new geopolitical stance in mid-2018, as shown by its exit from ALBA, a regional political organisation led by Venezuela, and by leadership shown towards the adoption of the Quito Declaration on Mobility of Venezuelan citizens in the region in September 2018 (see [www.cancilleria.gob.ec/declaracion-de-quito-sobre-movilidad-humana-de-ciudadanos-venezolanos-en-la-region/](http://www.cancilleria.gob.ec/declaracion-de-quito-sobre-movilidad-humana-de-ciudadanos-venezolanos-en-la-region/)).

157 Xenophobic reactions against forced migrants following crimes committed by foreign nationals are coupled with official securitisation measures, two tendencies perceived by forced migrant advocates as mutually endorsing, a subject that deserves study in Ecuador.

158 Cantor 2013, n137, p86.

159 Asylum Access and US Committee for Refugees and Immigrants. 2013. Refugee status determination in Latin America: regional challenges and opportunities. The national systems of Brazil, Colombia, Costa Rica, Ecuador, and Mexico, p5. [https://asylumaccess.org/wp-content/uploads/2015/06/RSD-Report-2013\\_ExecSummary\\_ES\\_SP.pdf](https://asylumaccess.org/wp-content/uploads/2015/06/RSD-Report-2013_ExecSummary_ES_SP.pdf).

160 After completion of fieldwork, issuance of *cédula*-shaped humanitarian visas stopped with the introduction of electronic visas to be printed by the recipient, starting 28 January 2019. The effect of this change in the job-seeking process merits study.

timeframe.<sup>161</sup>

Finally, diverse travel ceilings set for refugees, temporary and permanent residents<sup>162</sup> limit the possibility for them to pursue jobs involving international travel, a common requirement in commerce. For refugees, pre-departure authorisations are mandatory and time limits are to be established by authorities. They are only explicit in the case of visits to the country of origin (a ninety-day limit in a two-year period). For temporary and permanent resident limits, see Table 2.2 on migration infringements and fines.

Consistency in norms is essential for avoiding irregular channels in forced migration. Unlike Peruvian or Colombian ad hoc arrangements established for the Venezuelan influx, Ecuador applies LOMH, a stable although imperfect instrument. But besides access to regular status, forced migrants in Ecuador face challenges related to the labour market, which will be addressed next.

## 2.4 The challenges of work and everyday life

For the second half of the past century and part of the present one, Ecuador has seen much outward migration.<sup>163</sup> It is a middle-income, developing country, heavily dependent on oil exports and affected by fluctuations of the US dollar. Since 2014, Ecuadorian fiscal income has decreased due to low oil prices. Job cuts in the public and private sectors have reduced available employment.<sup>164</sup> Historically, the formal economy and labour market have been small, and underemployment high. The informal sector accounts for approximately 50% of labour in Ecuador.<sup>165</sup>

Financial crisis at the turn of the century motivated the adoption of the US dollar as the national currency in 2000,<sup>166</sup> an element that brings stability but also rigidity to the Ecuadorian economy. The financial crisis also triggered international migration of two (out of 12.5) million Ecuadorians in search of better economic opportunities.

### 2.4.1 Needed: jobs

In 2018, Ecuador has a population of 16.8 million. According to the Employment, Unemployment and Underemployment Survey (ENEMDU), eight million are part of the Economically Active Population (EAP), meaning that in the week before the survey they either worked for pay at least one hour, held a job or were looking for one. Only 39% of EAP in Ecuador (or 3.1 million) have full time jobs and earn at least minimum salary. The rest are either unemployed, underemployed or voluntarily hold part time jobs (*empleo no pleno*), with earnings under minimum wage.<sup>167</sup> Social security benefits for workers, mandatory in formal employment, cover 43.1% of EAP.<sup>168</sup>

Job creation and the transition from underemployment to full employment are national concerns. Accordingly, the creation of a million jobs between 2017 and 2020 was the main issue in the 2017 presidential elections. The task is complex, due to scarcity of capital and the cost of labour, as employee benefits, particularly dismissal costs, limit job creation, according to context information. Heavy bureaucratic processes, institutional weakness and lack of incentives for formal entrepreneurship are also cited as obstacles for job creation.<sup>169</sup> During the present crisis, job cuts and firm closure drove many Ecuadorians from the law-abiding formal segment to seek informal livelihoods. Thus, 'informality is more like an economic effect than a cause in itself'.<sup>170</sup> This is the context in which forced migrants enter the scene.

Colombian refugees arriving in Ecuadorian cities in the past two decades found few jobs and frequent exploitation in cities. Many worked in jobs with payment under minimum wage.<sup>171</sup> Most sought autonomous livelihoods like street vending, which are considered less stable than regular employment.<sup>172</sup> To access formal jobs, forced migrants require proof of legal status, and in some cases diploma recognition. In the case of Venezuelans, several professionals arriving before 2017 obtained diploma recognition and well-paying jobs. But as the profiles of Venezuelan forced migrants lowered and their numbers raised, the perception of competition grew in a job market that is challenging for locals and newcomers.

161 Reportedly due to large incoming flows, delays for admissibility decisions do not respect the ten-day limit. Those who are not admitted may appeal and be notified of results after one month.

162 Registro Oficial 2017, n79, arts 109 and 65.

163 See El Universo 2004. 500 mil ecuatorianos viven en España según cónsul. El Universo, 29 December. <https://www.eluniverso.com/2004/12/29/0001/626/eDB5F372C3624901B6EF95F3DF8B1F93.html>

164 Olmedo, P. 2018. El empleo en el Ecuador: Una mirada a la situación y perspectivas para el mercado laboral actual. Quito: Friederich Ebert Stiftung, pp26, 29 and n8.

165 Olmedo 2018, n164, p25.

166 See El Tiempo 2017. Hace 17 años se impuso la dolarización en el país. El Tiempo, 18 March. <https://www.eltiempo.com.ec/noticias/ecuador/4/405710>

167 167 Instituto Nacional de Estadística y Censos. 2018. Indicadores laborales junio 2018. Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU).

168 Olmedo 2018, n164.

169 Olmedo 2018, n164, p40.

170 Olmedo 2018, n164, p40.

171 Santacruz, L. 2013. Expectativas de futuro de la población colombiana refugiada en las ciudades de Ibarra, Lago Agrio y Esmeraldas, Ecuador. FLACSO, UNHCR. FLACSO, UNHCR. Quito: Mantis, p30.

172 AER. 2017. The duality of the Swedish labour market. Stockholm: Arbetsmarknadsekonomiska Rådet.

The dollar currency in Ecuador is considered by some as a pull factor for forced migrants. For others, its attractiveness would be overridden by high local prices and difficult access to regular status and jobs. Easier entry conditions were available in 2018 in Peru, where a Temporary Stay Permit (PTP for its name in Spanish) allowed Venezuelans arriving until October 2018 (and obtaining a legal stay until December) to legally work. Also, employers in the growing Peruvian economy were described in 2018 by an interviewee as appreciating the arrival of educated, inexpensive manpower.<sup>173</sup> As some Venezuelan migrants publicised, Peru was seen as offering better conditions.<sup>174</sup> Accordingly, two thirds of Venezuelan forced migrants entering Ecuador in 2017–2018 stated that they were crossing towards Peru.

In Ecuador, data from the Social Security Institute (IESS) reported 51,458 foreign affiliates by June 2017, up 3,654 from 2015. Around 33,450 (or 65%) of them were either Colombian, Venezuelan or Cuban nationals.<sup>175</sup> By September 2017, a total of 60,000 foreign affiliates was announced, 21,000 of them from Venezuela. On the other hand, Ministry of Labour (MoL) data reported 8,617 Venezuelans (or 26% of foreign workers with contracts) holding private contracts.<sup>176</sup> Correlation of this figure with IESS affiliation data shows that 12,383 Venezuelans either worked in the public sector or were self-affiliated as autonomous workers.<sup>177</sup>

Internal Revenue Service (SRI) data obtained for this study shows that 8,724 Colombian nationals contributed USD9.78 million in value-added tax in 2017, while 5,580 Venezuelans contributed USD2.06 million in the same period. Additionally, the income tax generated in 2017 in Ecuador by 6,300 Colombian nationals would amount to USD10.3 million, and to USD5.14 million for 3,790 Venezuelans. Although their movement is forced and their admittance is not to be linked to economic reasons,<sup>178</sup> benefits in terms of tax collection should nonetheless grow with formalisation of forced migrant workers. Increased demand by new populations merits study; as they should trigger growth in areas like transport, lodging, services including remittance sending channels, appliances and communication, as well as housing, education, food and medicine provision.

#### 2.4.2 *Not ready for labour migration*

Setting aside modest available international assistance efforts,<sup>179</sup> forced migrants live as economic migrants in Ecuador.<sup>180</sup> But although those with regular status share with Ecuadorians the right to work, their experience of access differs from that of locals.<sup>181</sup>

The Ecuadorian state advocates for the rights of Ecuadorian migrants abroad, regardless of the circumstances for their departure. Ecuador strives to offer migrants favourable return conditions (tax breaks, incentives for hiring returnees over 40, and affirmative action in public sector hiring).

Regarding incoming migrants, and consistent with findings by the ILO and OECD on the contribution of immigrants to developing countries,<sup>182</sup> Ecuador has weak management capacities in labour migration, given limited local experience in the matter. The response to large inflows of Venezuelan forced migrants has been merely reactive, with initial 'solutions' presented as 'giving jobs back to Ecuadorians'. In validating 'job-taking' concerns, the Minister of Labour at the time endorsed affirmative action favouring locals and overlooked the Constitutional principle of equal rights for all.

I have seen, for example, many foreign people hired in bars or discos. I have nothing against foreign people, but we have to give Ecuadorians the priority. I understand clearly why foreigners get hired, but we are going to correct this. We will have a moratorium to give enough time to progressively replace these foreign employees who are irregular and informal, with young Ecuadorian employees, adequately affiliated [to Social Security].<sup>183</sup>

Official discourse was later corrected, but official practice in the matter appears to be built on punitive measures. In February 2018 the Ministry of Labour announced measures to protect migrants from exploitation, consisting of mandatory registration procedures for foreign-worker contracts, and inspections starting in the following month (a hotline for anonymous reporting was publicised six months later). Initial inspection results reported 60% of 600 inspected firms sanctioned.<sup>184</sup> As inspections began, diaspora associations reported an initial effect of dozens of forced migrant workers fired by employers who feared sanctions.<sup>185</sup>

Migratory sanctions add to the problems experienced by forced migrants. They are listed in LOMH art 170 (challenged

173 Interview 14.

174 Interview 15. See also 2Love Bears. 2018. Ecuador o Perú ¿Qué país es mejor? 23 June; Jackson, D. 2018. ¿Qué país es mejor para emigrar: Perú o Ecuador? YouTube, Dan Jackson SoyYo, 27 May.

175 El Comercio. 2017b. El visado, clave para trabajar en Ecuador. El Comercio, 5 August.

176 El Comercio 2018, n8.

177 See IESS Nd, n93.

178 See Schuettler 2018, n75.

179 Interview 17.

180 See Zetter and Ruadel 2018, n1.

181 See Bilgili, O. and Loschmann, C. 2018. Refugees and host communities in the Rwandan labour market. *Forced Migration Review* 58.

182 ILO and OECD 2018, n58.

183 El Comercio. 2017a. Ministro de Trabajo: 'No es necesario volver a la contratación a plazo fijo'. El Comercio, 6 June.

184 La Hora. 2018b. Sancionan a empresas con migrantes irregulares. La Hora, 20 August.

185 El Telégrafo. 2018a. El registro de trabajadores extranjeros avanza hasta abril. El Telégrafo, 19 March.



before the Constitutional Court) and *Acuerdo Ministerial 907* (AM 907)<sup>186</sup> that penalise migration-related issues. As seen in Table 2.2, the penalty for migrant overstay without regularisation triples the value of the Unasur visa. The amounts collected for penalties and their effects on migrant households merit study.

Who is liable*	Infringement	USD (Basic salary in 2018: USD386)	Regulation
			LOMH AM 907
Migrant	Perform activities not allowed by migratory visa or status	386 (1 BS)	170.1 2.1
Migrant	Fail to legalise migration status within time limits	772 (2 BS)	170.2 2.2a
Temporary resident	Leave the country for more than 90 days per year within residence term (cumulative)	1,158 (3 BS)	170.7 2.3
Permanent resident	Leave the country for more than 180 days during their first two years	1,544 (4 BS)	170.8 2.4
Employer (person)	Fail to affiliate foreign employee to social security/pay corresponding minimum wage	3,860 (10 BS)	170.9 2.6
Employer (firm)	Fail to affiliate foreign employer to social security/pay corresponding minimum wage	5,790 (15 BS)	170.9 2.7a
Carrier (any kind)	Disembark foreign nationals in places not destined for international transit	5,790 (15 BS)	170.5 2.7b
Carrier (any kind)	Transport foreign nationals without valid migratory documentation	5,790 (15 BS)	170.6 2.7b
Facilitator	Facilitate evasion of migration control filters	1,930 (5 BS)	170.3 2.5a

(\**Excepted from sanctions in AM 907 (migratory condition): Overstay of Peruvian and Colombian citizens (bilateral agreements); asylum seekers, foreign victims of trafficking or smuggling, those declared as vulnerable, and citizens of South American states 'while they are transacting their temporary or permanent residence application'.*

Table 2.2 Migration infringements and fines

Several aspects determine the job-seeking experience of forced migrants as challenging. Fines imposed on forced migrants are of a doubtful legal nature, as Constitutional norm prohibits 'discrimination against foreigners based on migratory status'. Instead of having a deterrent effect, fines are applied in ways that penalise forced migrants for issues beyond their control, like unavailability of Venezuelan passports. For Venezuelans struggling to raise Unasur visa fees, paying USD772 for overstay is not realistic. As they presently stand, fines force already vulnerable populations into irregular status, risk of exploitation or further migration.<sup>187</sup>

Experts suggest that authorities undertake a diagnosis of labour required in Ecuador, the specific sectors to be developed, and specialised know-how needed.<sup>188</sup> National planning objectives may be used as guidelines for the attraction of capital to create jobs for Ecuadorians and migrants in urgent need of employment. Such efforts should also be guided by information and planning based on experience, knowledge and resources required, available qualifications of local and forced migrant candidates, as well as the location of jobs and expected salaries.

Policy on and experience of mixed migration and labour in Ecuador and elsewhere merit study. Each context requires tailored responses. The design of solutions must consider protection needs, the opinion and agency of forced migrants and the host community's opinion and participation. Depending on how it is managed and communicated, international assistance can play a role in forming local perceptions that can foster (or not) integration. These issues are examined next.

### 2.4.3 Humanitarian assistance for persons of concern

Assistance for forced migrants in Ecuador includes faith-based organisations, a few local governments providing mainly legal counsel and psycho-social support, and international organisations. In 2018 asylum seekers or people in similar situations could apply for up to three months of UNHCR assistance through HIAS and up to six months of World Food Programme assistance, incompatible with stable jobs.<sup>189</sup> The 'graduation approach', a UNHCR initiative targeting

186 Registro Oficial 2017, n79 and Ministerio del Interior. 2018. Acuerdo Ministerial 907. 16 February.

187 Regularisation in Ecuador is conditioned to payment of any migratory fines incurred.

188 El Telégrafo. 2018a. El registro de trabajadores extranjeros avanza hasta abril. El Telégrafo, 19 March.

189 Interview 9. WFP assists vulnerable forced migrants with a voucher for purchase of food which receives monthly recharges of USD25 per

refugees and asylum seekers in vulnerable situations (few Venezuelans among them in mid-2018), was one of the few initiatives guiding them towards self-employment or jobs. It delivered training in microfinance skills, promoted savings and provided counsel.<sup>190</sup> It was comprehensive but reached a relatively small number. In another programme, of 2,022 people seeking job placement through UNHCR in 2017, 190 succeeded, and half of them were still on the job after six months.<sup>191</sup> Best practices in livelihoods programming include people from the host community that face equally vulnerable situations, to prevent resentment and promote inclusion.<sup>192</sup> Ecuadorians were included in graduation pilots in 2015 and 2018, the latter with government participation.

International support for refugees is relatively low in Ecuador. According to context interviews, the 2016 peace agreement in Colombia and limited US aid led to funding cuts in refugee-assistance programmes in 2017, as Venezuelan inflows grew.<sup>193</sup> Programmes were cut and some NGOs, like Asylum Access, had to leave in 2017 for lack of funding. The question arises whether free mobility and the possibility to access regular status and work permits would justify the limited availability of assistance, which would in turn mean that most forced migrants depend for survival on their ability to find livelihoods. This is the case of Venezuelans who do not apply for asylum. But among them there are, for example, single women in charge of children with limited or no access to jobs or safety nets. According to informants, lack of access to assistance in such vulnerable situations has forced many of them into negative coping mechanisms such as survival sex, while some resort to prostitution for a livelihood, and some are victims of sexual exploitation.

#### 2.4.4 Perceptions matter for inclusion

The way in which forced migrants are perceived by hosts influences their possibilities for integration. Venezuelans and Colombians face different situations and locals view them differently, numbers being an influential factor.

Colombian asylum seekers in Ecuador have traditionally preferred discretion or isolation, fearing the perceived proximity of armed actors who cross borders as well. This is a factor that keeps many from integrating into the community. Some leave jobs behind as they move within Ecuador seeking safety.<sup>194</sup> Most need work – and invisibility – to survive in Ecuador.<sup>195</sup> For them, protection from danger back home is key, and they do not consider return, since their lives would be at risk.<sup>196</sup> Linked to this, the Colombian diaspora in Ecuador is not particularly supportive to newcomers.

Venezuelans, on the other hand, are gregarious. Contacts that they establish with journey companions prove useful for sharing meals and shelter upon arrival, and they rely on previously established acquaintances for information and assistance. Significantly, members of the Venezuelan diaspora and their Ecuadorian connections were the first to bring humanitarian support to Venezuelans crossing Ecuador in 2018. Venezuelan newcomers who were contacted for this study expressed their will to go back when either their country's crisis or the Maduro government came to an end. Meanwhile, they search for jobs and ways to send remittances, moving within or across borders to seek opportunities.

Ecuadorians who experienced movement triggered by economic instability at the turn of the century can relate to the plight of Venezuelans, portrayed by Ecuadorian media as forced to leave their country by deprivation and repression.<sup>197</sup> However, as their numbers grow, so does the anxiety felt by some Ecuadorians (as by earlier Colombian forced migrants who are part of the Ecuadorian host community) about competition for jobs. In this sense, a fact that helped relax animosity in 2018 is that most Venezuelans arriving in Ecuador had Peru as their final destination.

As the numbers of Venezuelan arrivals grew, and profiles changed to include less educated, poorer migrants, their collective reputation was blurred by episodes involving publicly expressed negative opinions regarding hosts, or criminal acts by migrants.<sup>198</sup> Additionally, measures designed to restrict entry of Venezuelans in 2018, and their challenge by the People's Defendant,<sup>199</sup> sparked public outbursts of negative feelings. These issues are deeply felt by many forced migrants who fear xenophobic attacks, including towards Venezuelan children at school. They lament negative generalisations and many adopt, in dealing with Ecuadorians, a careful use of language, seeking to avoid confrontation and to blend into the crowd.

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month per family member, for a maximum of six months. WFP food assistance would account for one fifth of the needs, given the cost of the 2018 basic food basket for a family of four members: USD503 in January 2018 (see [www.ecuadorencifras.gob.ec/documentos/web-inec/Inflacion/canastas/Canastas\\_2018/Enero-2018/1.%20Informe\\_Ejecutivo\\_Canastas\\_Analiticas\\_ene\\_2018.pdf](http://www.ecuadorencifras.gob.ec/documentos/web-inec/Inflacion/canastas/Canastas_2018/Enero-2018/1.%20Informe_Ejecutivo_Canastas_Analiticas_ene_2018.pdf)).

190 Interview 1, see also IPC-IG International Policy Centre for Inclusive Growth. 2017. Debating Graduation. Policy in Focus 14(2), p65; La Hora. 2018a. Portal web 'Empleo' para reducir niveles de desempleo. La Hora Esmeraldas. 8 January.

191 Interview 7.

192 Jacobsen 2014, n19, pp108–109.

193 Interview 7.

194 Interview 10.

195 Pugh, J. 2017. Negotiating identity and belonging through the invisibility bargain: Colombian forced migrants in Ecuador. *International Migration Review* Fall.

196 Interview 16; Santacruz 2013, n171 and Moscoso and Burneo, n84.

197 Interview 7.

198 EFE. 2017. La comunidad venezolana pide disculpas por un video ofensivo, pero exige tolerancia. EFE, 15 September; Fundamedios. 2018. La migración venezolana acapara la conversación en twitter. *Interbarómetro Ecuador*, September.

199 See Defensoría del Pueblo. 2018. Defensoría del Pueblo Facebook page DefensoriaEC. 17 August.



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Regarding Colombian populations in Ecuador, sympathy has seldom been found in media portrayal of refugees. Media references to Colombian criminality in recent decades were instrumental in the construction of negative perceptions. Misconceptions about the meaning of 'refugee' are widespread in Ecuador, and sectors of public opinion tend to hold Colombian forced migrants partially accountable for the violence they flee. Additionally, 2016 peace agreements, although welcome, sparked fears about armed actors crossing into Ecuador to pursue illegal activities. In early 2018, violent events on the border between Ecuador and Colombia triggered securitisation initiatives, and renewed suspicion of people with foreign accents.<sup>200</sup>

In 2018, wide-reaching, effective initiatives to counter xenophobia and promote inclusion were yet to be designed and implemented. Any efforts in this sense should consider baseline and endline studies, with effects measured to guide future initiatives.<sup>201</sup> Common problems for Colombian and Venezuelan forced migrants in Ecuador are discrimination, limited assistance and obstacles on their way towards a legal stay. To various degrees, they both deserve protection. Although requirements for obtaining regular status should be similar, costs and access to home documentation have frequently represented obstacles for Venezuelan access. Finally, the precedence of Colombians in the Ecuadorian scene and their smaller number goes in their favour, while a new set of drivers leads Venezuelans to further movement, as will be seen in Chapter 3 illustrating the challenges of seeking formal jobs.

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200 Interview 3.

201 Valencia 2018, n87; for an effort involving youth see Expreso. 2017. Ecuador adelanta campaña contra la xenofobia y otras formas de discriminación. Expreso, 19 December. <https://www.expreso.ec/actualidad/ecuador-xenofobia-racismo-campana-cancilleria-DL1915353>.

### 3. Chapter 3: Documents, accents, levers: A case study of potential employers and employees in the formal sector

This chapter presents the results of a case study analysing the access of forced migrants to formal jobs, protection and movement. It describes the factors that contribute to limit access, and introduces labour pivots as potential facilitating factors. The design of the case study allows for several comparisons between categories, according to nationality, gender or regular status. The views of potential employers are also considered.

Motivations behind forced movement influence employment possibilities. Colombians fleeing violence tend to travel in family groups and seek asylum. In contrast, Venezuelan men moved mainly alone in 2016–2017<sup>202</sup> to overcome duress, and families only followed in 2018. Additionally, while most Venezuelans interviewed consider returning once the situation has improved, Colombian forced migrants do not want to go back.<sup>203</sup>

All Colombian participants in the study had claimed asylum, with one exception,<sup>204</sup> while only three Venezuelan nationals had done so. All those claiming asylum would need to stay in the city where they filed their case, to present themselves every three months to asylum authorities for document renewal, until their case was accepted or rejected. Their possibilities for accessing formal jobs depended on employers being willing to accept the three-month regularity window (see 2.3.6).

Backlogs in asylum requests during 2018 explain why access of forced migrants to regular status in Ecuador has been more expedite as economic migrants than as refugees. Nonetheless, according to context interviews, backlogs in Unasur visa processing also grew in mid-2018, reportedly due to the number of arrivals and the scarcity of visa forms.<sup>205</sup>

Family composition and vulnerability situations determine access to international assistance. Recipients, particularly regarding food assistance in 2018, include Colombian asylum seekers, failed asylum seekers seeking or holding Mercosur visas, and an increasing number of Venezuelan new arrivals and asylum seekers.<sup>206</sup> The flight of refugees is unplanned, and they need resources to survive. In the case of Venezuelan forced migrants, they clearly have subsistence needs, but are mainly driven by the need to send remittances.<sup>207</sup> They spend minimal amounts on food and lodging, often relying on relatives or acquaintances as safety-nets. Household groups share expenses and responsibilities. All adults seek jobs, and there is usually more than one breadwinner per household. Venezuelans' focus on work and remittances during 2018 is noticeable in the lower number of children and other dependents at home, in contrast with Colombian cases.<sup>208</sup>

#### 3.1 *Where to go and how to enter*

Faced with low probabilities of welfare or assistance in neighbouring middle-income countries, precipitating factors for migration,<sup>209</sup> such as food scarcity in Venezuela, prompt prospective migrants to compare and contrast mediating factors prevalent in neighbouring countries.<sup>210</sup> Thus, prior to departure, many undertake 'screen-shopping' on social media for convenient contexts for self-reliance as reported by earlier migrants. Venezuelan associations' Facebook pages offer information and individuals exchange experiences in dynamic migration chats. Social media becomes an unofficial repository storing real-time and historical information.<sup>211</sup> Current or potential migrants share data on currency stability, transport costs and state practice regarding legal stays. These efforts help identify practices that differ from the written norm.<sup>212</sup>

The format and validity of documents are mediating factors in the quest for jobs. New arrivals usually work informally, but their status of 'in transit' or 'tourists' does not allow for work. Interviews confirm that the document received by first-filter asylum seekers as proof of having presented their case is not deemed as permitting work, forcing them into a jobless limbo state which can be prolonged for months.<sup>213</sup> Graph 3.1 shows the various Ecuadorian documents granted by authorities to participants in the study.

202 IOM-DTM 2018, n94.

203 See Annex 3, Table A3.1.

204 See note in Annex 3, Table A3.1.

205 Interview 5.

206 After an emergency declaration in August 2018, funds appeals by UN agencies targeting the Venezuelan population increased. Also, NGOs like Scalabrini, Jesuit Refugee Service and others have assisted them since 2015.

207 Interview 9: Average forced migrant earnings in this location reportedly total USD10 to 12 a day. Also, average monthly remittances sent by Venezuelans in similar situations were USD10 (women) and USD28 (men). Malo, G. 2018. Inserción laboral: refugiados y migrantes forzados en tiempos de crisis. Consultation on Rights and Human Mobility. Pontifical Catholic University of Ibarra and Jesuit Refugee Service. PUCESI, 25–26 January.

208 See Annex 3, Table A3.2.

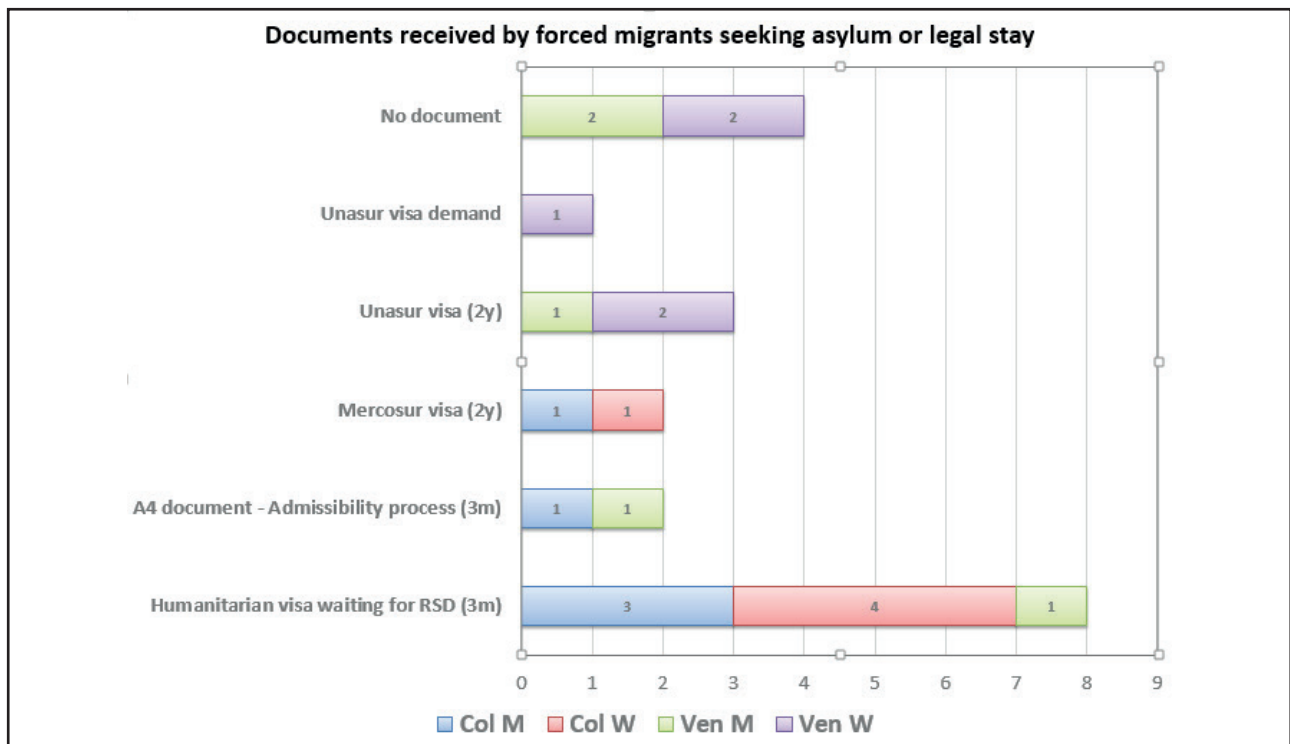
209 Van Hear et al 2012, n88, p4.

210 Interview VM1.

211 Dekker, R. and Engbersen, G. 2014. How social media transform migrant networks and facilitate migration. University of Oxford, IMI working papers, 62, p2.

212 Interview 14.

213 Interview 7.



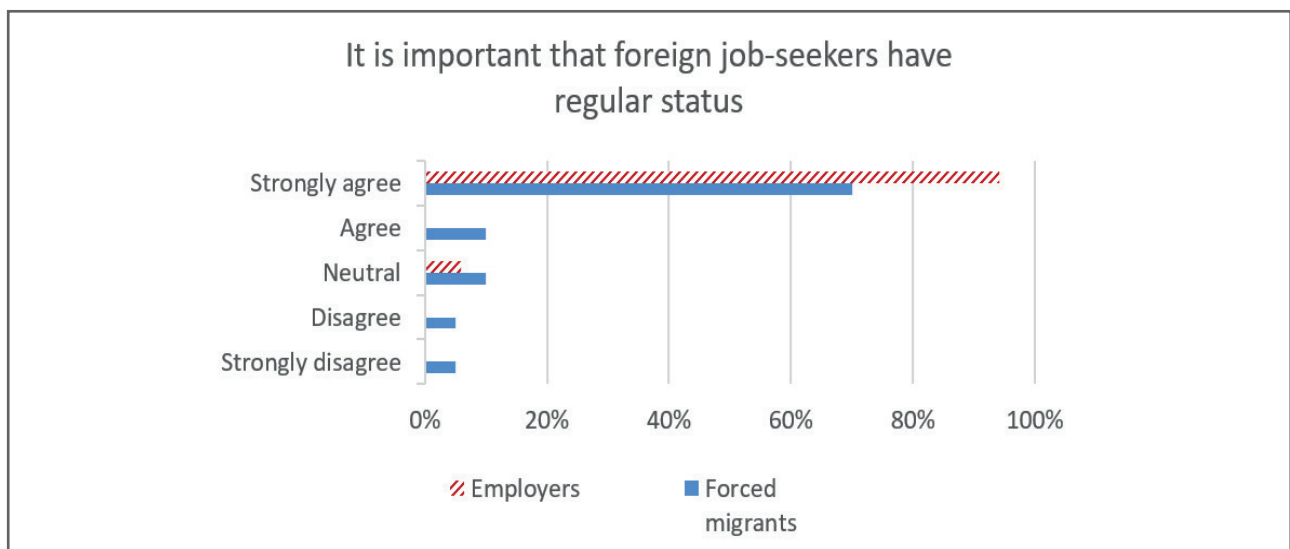
Graph 3.1 Documents received by forced migrants staying in Ecuador

Ten participants held documents linked to admissibility (A4 document) or RSD process (*cédula*-shaped three-month renewable humanitarian visa). Among participants holding visas, two had obtained *cédula* IDs.

Venezuelans with no documentation had failed to fulfil Unasur visa requirements and risked migratory fines. One reported that she had previously failed an asylum application.

The *cédula*, which is made available by LOMH to all interested visa holders in the thirty days after receiving regular status, is considered by advocates to be an opportunity to engage in job search in the formal sector from a more equal stance.<sup>214</sup> A Venezuelan participant reported that to have a *cédula* is 'the best thing', since it allows migrants to better fit in.<sup>215</sup>

Formal jobs are reserved for individuals with regular status in Ecuador, but regular status is not a guarantee of access, as shown in the case of asylum seekers and regional visa holders. Two of them held *cédulas*. Among the, two *cédula* ID holders, only one, along with another visa holder, had signed a work contract in Ecuador. He had been employed as a baker and now owned his own bakery and employed others.

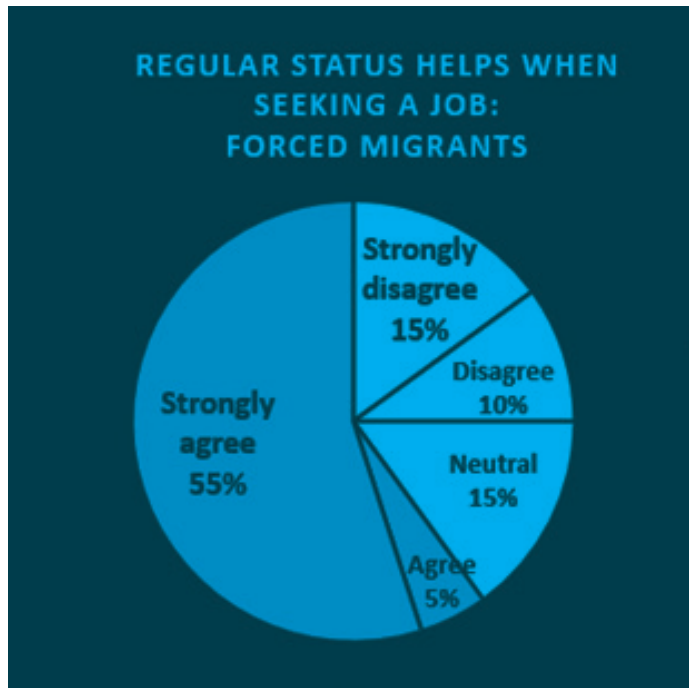


Graph 3.2 Comparative analysis of the views of employers and forced migrants on the importance given by employers to regular status as a requisite for employment

214 Interview 1.

215 Interview VM1.

When consulted on the importance given by employers to regular status, forced migrants interpreted this correctly. Only four forced migrants were neutral or disagreed with the idea that employers may give importance to the regular status of jobseekers.



Graph 3.3 Importance given by forced migrants to the role of regular status in seeking a job

Graph 3.2 showed that most employers interviewed (sixteen out of seventeen) considered regular status as important for job-seeking, but Graph 3.3 shows that only 60% of forced migrants agreed, most of them strongly, that regular status helped in finding jobs. While 25% disagreed (15% strongly so), 15% were neutral. One considered his age (sixty-three) as the obstacle. Regular status is a necessity, yet it does not guarantee access to formal jobs.<sup>216</sup> Even with a visa, the playing field is still not level for forced migrants,<sup>217</sup> as analysed in the next section.

### 3.2 Bumps on the road to formal jobs

In times of economic downturn, when the labour market is depressed and formal jobs are difficult to access for Ecuadorians and forced migrants, gender and education are especially important in the job-seeking and hiring processes. In the studied group, women of both nationalities had either equal or higher education levels than men. In general, Venezuelans in Ecuador showed higher levels of training and education than Colombian refugees (Table 3.1). Still, all forced migrants in the study sought mostly unskilled jobs in service activities (Table 3.2).<sup>218</sup> This is consistent with previous findings that forced migrants in Ecuador engage in jobs unrelated to their professional history.<sup>219</sup>

Forced migrants' education	Primary	Secondary	Technical	Third level	Fourth level
5 Col women (CW)		2 incomplete 3 complete			
5 Col men (CM)	2 incomplete	2 complete	1 incomplete		
5 Venezuelan women (VW)				2 incomplete 2 complete	1 complete
5 Venezuelan men (VM)		1 incomplete		3 incomplete 1 complete	

Table 3.1 Level of studies by nationality and gender

216 Interview CM3.

217 Betts et al 2016, n28.

218 For results in other sectors like construction, see Annex 3, Table A3.4.

219 Interview 4.

	Restaurant	Commerce	Hotel	Edu.	Health	Transp.	Info/Com	Security
CW	5 (1)	2 (0)	2 (0)					
CM	4 (3)	4 (1)	1 (0)		2 (0)			3 (2)
VW	5 (4)	5 (3)	4 (4)		1 (1)		2 (0)	
VM	5 (3)	4 (1)	3 (1)	1 (0)		3 (1)	1 (0)	
Total	19 (11)	15 (5)	10 (5)	1 (0)	3 (1)	3 (1)	3 (0)	3 (2)

\* Answers in parenthesis reflect the total number of people finding jobs in each sector, but one individual may have found more than one job per sector. In this study, no jobs were sought in the banking/finance, real estate or public administration sectors.

Table 3.2 Number of persons seeking versus (finding) jobs in the service sector\*

Most of the jobs found – even in formal businesses – turned out to be informal, with salaries under minimum wage,<sup>220</sup> and with some employers failing to pay.<sup>221</sup> The degree to which regular status or studies influence outcomes is not clear. Unasur or Mercosur visa holders held, respectively: three restaurant jobs and one bakery job (CW1, incomplete university studies); one parking aide cooperative job (CM5, incomplete primary school); one restaurant, one disco and three store salesperson jobs (VW2, incomplete university studies); one health, one hotel and one restaurant job (VW5, unrelated university diploma); and one bakery employee job, then independent baker (VM1, incomplete university studies). Stability merits study: six months was the longest duration in a job reported by any of the interviewed visa holders (one individual). To compare jobs held by document category, see Graph 3.4.

Expectations, age and gender segmentation, location, work schedules and payment arrangements matter for access to formal jobs. Venezuelans have lower economic expectations than Ecuadorians or Colombians, and are seen as pressuring wages down.<sup>222</sup> Job opportunities in remote areas, or involving challenging work schedules, night shifts or frequent travel, are likely to be filled by forced migrants, comparatively more mobile than locals.<sup>223</sup> Nonetheless, in critical times even these jobs may appeal to the local unemployed.<sup>224</sup> Salary payment through bank accounts blocks access to those lacking documentation or references necessary to open an account. Finally, monthly payment is an obstacle for those who cannot ensure subsistence for thirty days until payday. Additional aspects are analysed in the gender section, next.

### 3.2.1 Women: more jobs, with more risk

Women in flight face new situations, and men and women may fulfil new roles when forced to move.<sup>225</sup> Eight out of ten women in the study used to work in their home country. Once in Ecuador, eight were either head of household or co-head, or contributed for expenses, with men in charge of childcare in some cases.

In the Ecuadorian labour market, men have more chances than women to obtain employment. According to national data cited in a 2018 study, men accounted for 67.6% of those fully employed in Ecuador, versus 32.4% women, while 58.2% of men and 41.8% of women were underemployed. Those unemployed were male in 44.8% and female in 55.2% of cases.<sup>226</sup> Studies report that mothers and pregnant women have fewer chances of being hired.<sup>227</sup>

Contrasting with the national tendency, study participants perceived that migrant women had an easier time than men finding jobs (Table 3.3). This is unrelated to migratory documents held (see Graph 3.5) and may be a feature of urban job-seeking in services. But, as shown below, sexualised perceptions of forced migrant women are at play.

Nationality/Gender	Has your gender made it harder or easier to find a job?
2 Colombian women	1: It is easier for women than for men 1: It is harder for women, there are sexual insinuations
2 Colombian men	1: It is easier for men than for women 1: It is easier for men, but more jobs are available for women
5 Venezuelan women	4: It is easier for women 1: There are advantages and disadvantages for women

220 Interview VW5.

221 Interview VW2.

222 Interview 4.

223 Cadena, B.C. and Kovac, B.K. 2013. Immigrants Equilibrate Local Labor Markets: Evidence from the Great Recession”, NBER Working Paper No. 19272, in Böhme and Kups 2017, n48, p11.

224 Interview E14.

225 Aysa-Lastra 2011, n77; interviews 6 and 7.

226 INEC 2018 in Olmedo 2018, n164, p15.

227 Arcentales 2014, n149, p164.

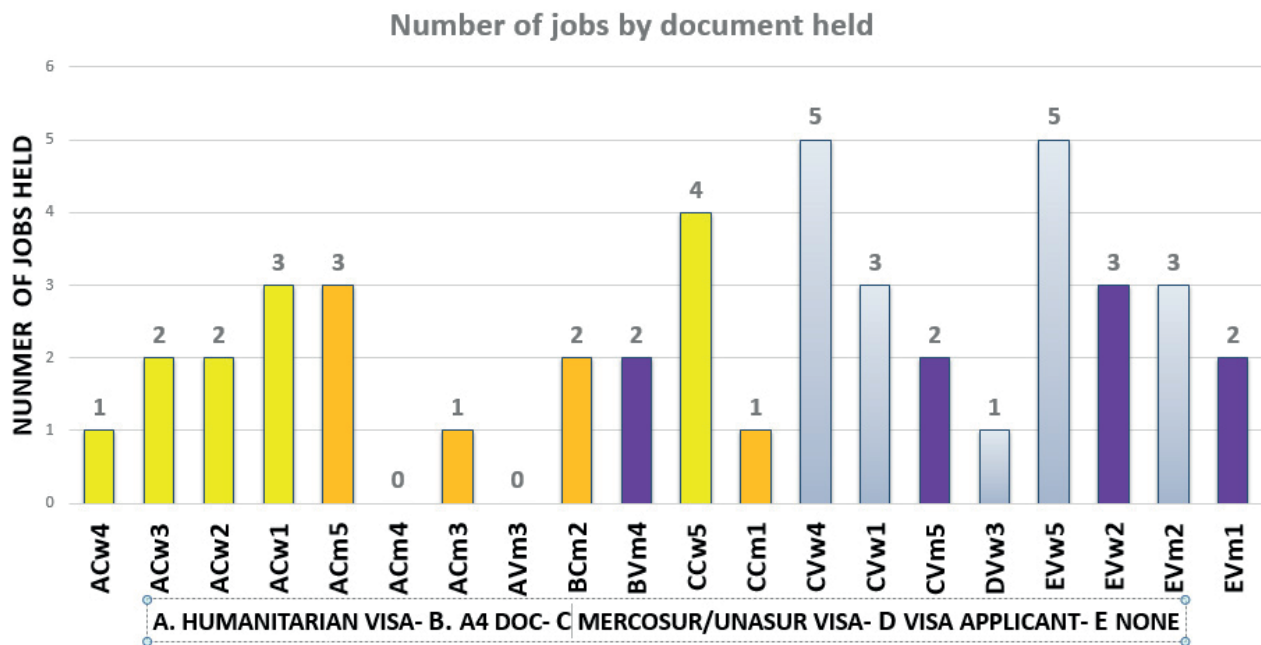
3 Venezuelan men	2: Women have it easier
	1: It is equally hard for men and women

Table 3.3 Relevance of gender in finding jobs

Among study participants, a young Venezuelan woman reported that she had been hired as a salesperson so that men would be attracted into the store,<sup>228</sup> a Colombian woman quit after her boss made passes at her,<sup>229</sup> and a Venezuelan woman working as a bartender was proposed sex work, so she moved elsewhere.<sup>230</sup> In the past, young Colombian women have reported jealousy in the employer’s family as a cause for job termination.<sup>231</sup>

Employer behaviour found in the above examples is linked to gender stereotyping. While Colombian (and more recently Venezuelan) men endure ‘criminality’ stereotyping, young Colombian and Venezuelan women are considered as ‘Caribbean’ (exotic) beauties,<sup>232</sup> linked to local sexual-work stereotyping. These preconceptions are behind access to many ‘female’ jobs by forced migrants.<sup>233</sup> This kind of unethical behaviour has negative effects and exposes women to abuse or harassment, both as women and as forced migrants, and also to human trafficking. Single mothers and those with no work experience are more vulnerable.<sup>234</sup> Stereotyping of Colombian women (and increasingly, Venezuelan women) results in reduced possibilities of getting a genuinely formal job.<sup>235</sup>

Women in the study accessed larger numbers of posts than men (see Graph 3.4 and Table 3.4, consistent with Table 3.3), even with shorter stay time (Venezuelans). Causes for this could be stereotype-based employer behaviour, harassment-related resignation or less submissive attitudes in the presence of abuse, leading to job changes. The latter could be linked with cultural difference<sup>236</sup> and higher educational levels (than Colombians or Ecuadorians). Graph 3.5 shows that while regular status does not greatly influence the number of jobs held in this group, gender apparently does, with more jobs held by women (see also Table 3.4). Future efforts that compare the number of jobs held before and after visa/cédula delivery would be useful to confirm their value for job seeking.



Graph 3.4 Number of jobs per person by migratory document held

Average number of jobs held per document category: Humanitarian visa holders: 1.5; A4 admissibility document holders: 2; Regional visa holders: 3; Visa petitioner: 1; Undocumented persons: 3.5.

228 Interview VW2.

229 Interview CW1.

230 Interview VW5.

231 Interview 4.

232 In South America, perception of young Venezuelan women is linked to beauty pageants.

233 Interview 7.

234 Interview 4.

235 Arcentales 2014, n149, p164.

236 Interview VW5.



Nationality/ Gender	Average time in Ecuador (months)	Min-max stay (months)	Average no. of jobs held by group	Total no. of jobs held by individual members of group
CW (5)	12	4-28	2.4	12
CM (5)	6	2-17	1.4	7
VW (5)	8	2-17	3.4	17
VM (5)	17	4-29	1.8	9

Table 3.4 Time in Ecuador and jobs held

A final consideration in this subject is age bias, which affects women and men differently. The Ecuadorian job market privileges people aged twenty-five to thirty-five. Women over thirty-eight have fewer chances, while men can expect to be hired until forty-two, particularly in technical jobs. This applies to 90% of posts advertised through agencies serving large firms,<sup>237</sup> and matches preferences shown by studied employers.

### 3.2.2 Employers' life experience matters

The study included seventeen formal firm managers. The variables of gender, age, type of education and size of firm did not show consistent patterns regarding openness towards hiring foreign workers. With one exception, firms having employed forced migrants in the past did not hire any in 2018. Elements that were positively correlated with hiring forced migrants were: previous personal experience with migration, membership in associations or other social entities and openness to use legal hiring modalities other than full time and part time employment.

Although thirteen firms were built on family capital, only two among them prioritised employment of family members. One manager explained that Ecuadorians would be preferred if there was a vacancy not filled by family. While some employers claimed they did not judge a person by their nationality, others practiced 'Ecuadorians first' positive discrimination. Some preconceptions like security worries<sup>238</sup> appeared, borrowed from predominant stereotypes<sup>239</sup> or arising from employer experience. However, there were employers – former migrants among them – who had formally hired forced migrants who reportedly filled the required profile, or had a good attitude, ability for sales or willingness to work more hours to earn more.

Employer and forced migrant interviews helped verify the existence of exploitative labour conditions. Due to social desirability, employers maintained two types of discourse, the first one describing their own practice as following the norms. Few non-compliance exceptions detected were framed as 'solidarity' stances. The second type of discourse alluded to negative behaviour by third parties (other employers) in relation to forced migrants.

Referring to forced migrants' desperate situation, one employer opened up about non-formal hiring activities: 'To those who have approached me, I have given food, work. I try to help.' While regular workers are on payroll, temporary tasks may be offered to forced migrants for an informal remittance. The employer considered this as charity rather than employment, thus not entailing the need to fulfil labour regulations, including payment of the proportional share of minimum wage. However, any employer found in such a situation would have received sanctions in the hypothetical case that a labour inspector visited their firm. One way in which forced migrants could fulfil sporadic, temporary tasks formally and receive due payment is by securing regular status and then obtaining a taxpayer number. When payment is received in exchange for a formal invoice or *factura* presented by regular migrants, there is no sanction for them or their employers.

The next section turns to the option of movement for those who cannot access stable livelihoods in Ecuador.

### 3.3 Drivers for unprotected movement across borders

The topic of movement is inherent to forced migrants. Among individuals in the study, three had already tried their luck in another country before Ecuador, and nine planned on doing so. Reasons to choose Ecuador included proximity and the presence of family. Venezuelans also mentioned work expectations (2), friends (2) and comparison among countries (1). Experience – and plans – of movement were more common in Venezuelans and inversely proportional to asylum seeking (see Table 3.5 and Graph 3.5).

Nationality/ Gender	No. seeking asylum	No. who tried to find jobs in other locations in Ecuador	No. who plan to try another country	Possible countries
5 CW	5	1 person (p) tried 1 location	1	Peru
5 CM <sup>240</sup>	4	1p tried 1 location	2	Argentina Colombia

237 Interview 12.

238 See Annex 3, Table A3.7.

239 See Annex 3, Table A3.6.

240 One Colombian man, CM5, presents an atypical case, not seeking asylum and hoping for return. Having lived in Venezuela for thirty-nine

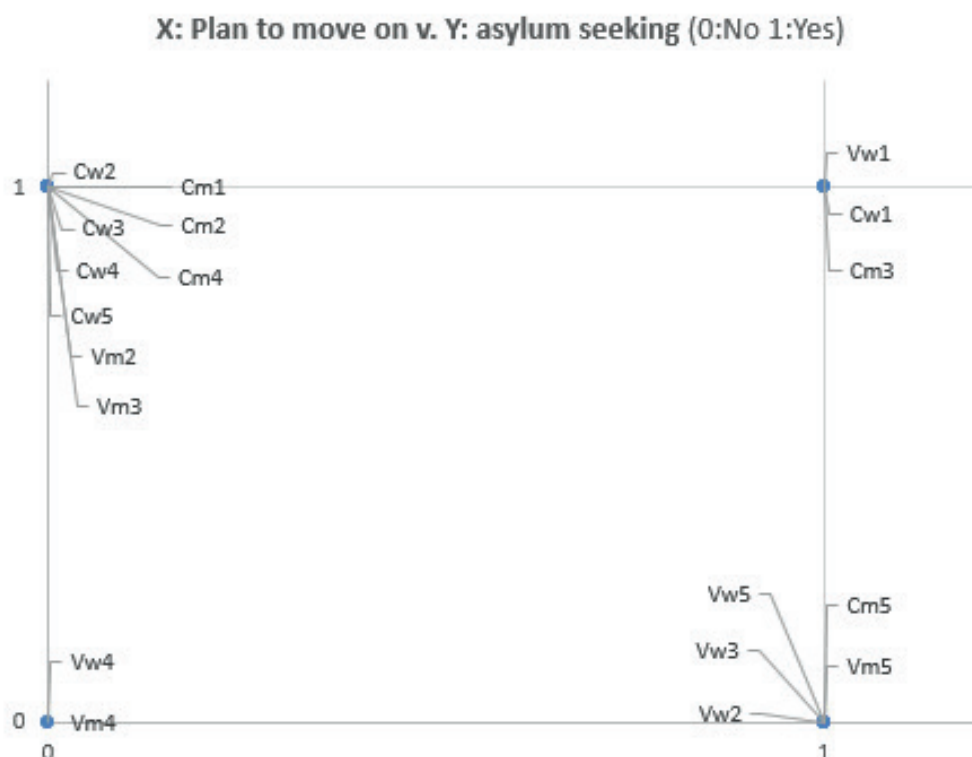


5 VW	1	3pp tried 3 locations (total)	4	Argentina Chile Peru
5 VM	2	3pp tried 5 locations (total)	2	Chile (2pp)

Table 3.5 Asylum, internal movement and plans for further movement

The decision to stay or move depends mainly on job opportunities. Besides changes in the situation of the home country, reasons for potentially leaving Ecuador include: lack of stable jobs (6), insufficient payment (1), harassment/discrimination (2), indifference (1) and visa rejection, which interestingly is only cited once. Experts consider lack of livelihoods and fines linked to irregularity as fostering further movement.<sup>241</sup>

As mentioned by Bello, further movement of refugees across borders (or movement among categories, from refugee to forced migrant) presently means the loss of refugee status and entitlement to protection.<sup>242</sup> Their possibilities for regional movement would be greatly advanced if countries in the region agreed to recognise the extraterritoriality of refugee status.<sup>243</sup> In a context of limited assistance, this would ensure a way for refugees to expand their livelihood opportunities through eased regional mobility.<sup>244</sup>



Graph 3.5 Refugee status versus further movement

Plans to travel further (right), as compared to asylum claims (left) show the comparatively stronger Colombian drive towards asylum (9) and Venezuelan option for movement (5). On the upper right, three people with asylum claims had plans to move on. Two could move as their claims had been rejected, and CM3 was still waiting for RSD. With a strong asylum case, he had not found a job in his field, and had regional contacts. He would be an ideal candidate for a regional refugee mobility scheme, but in the absence of it, he was willing to trade in protection for job opportunities elsewhere.<sup>245</sup>

### 3.3.1 Forced migrants receiving forced migrants

Urban displacement may bring forced migrants to 'share spaces with other displaced people'.<sup>246</sup> Venezuelan migration to Ecuador overlaps with the protracted situation of Colombian refugees, circumstantially turned into hosts. Additionally, another kind of arrival in Ecuador is that of returnees who had previously left Ecuador as economic

years before arriving in Ecuador, his answers are closer to the pattern found in answers by Venezuelan men regarding legal stay, movement and work.

241 Interview 13.

242 Bello 2015, n62.

243 Registro Oficial 2017, n79, art 109.

244 Long 2015, n21; Collett et al 2016, n66.

245 Interview CM3.

246 Fiddian-Qasmiyeh, E. 2016. Refugees hosting refugees. *Forced Migration Review* 53, p25.

migrants.

Many Ecuadorian returnees left northern countries after the start of the 2008 economic crisis, or came to Ecuador from Venezuela with forced migrant flows.<sup>247</sup> Official published data on the number of returnees (63,888) dates back to 2010.<sup>248</sup> Projections mentioned either 80,000 by end-2017 (government source), or 120,000 (returnee associations).<sup>249</sup> During 2017, authorities granted 12,056 'returned migrant' certificates<sup>250</sup> to Ecuadorians who had stayed at least two years abroad, and who either returned of their own accord or were forced to do so. They provide returnees with special benefits.

Some of the benefits for returnees described in LOMH<sup>251</sup> are priority training, special measures to access financial services, reduced taxes for repatriation of belongings and priority access to entrepreneurial programmes. MoL job fairs for returnees are exemplary in that they offer information on job opportunities to all (including refugees and migrants). However, despite official efforts, returnees complain of lack of employment and credit. This study encountered two returnees and one foreign migrant among potential employers. Influenced by their own experience of duress abroad, they were open towards forced migrants.<sup>252</sup>

In the case of Colombian refugees in Ecuador, many are already part of the host community, having lived in Ecuador for several years. Others continue to cross the border to seek international protection from violence. Among those who reside in Ecuador for years, some of them resent what they perceive as incoming labour competition from Venezuelans. However, refugee agency – particularly exercised by leaders – has also assumed a role in the fight against discrimination and xenophobia affecting all.<sup>253</sup>

The study found that with the arrival of Venezuelans, some Ecuadorians had changed their perception of Colombians. One employer mentioned that in contrast with Colombians, Venezuelans were not going to stay long (with negative implications of work rotation). In the words of a humanitarian worker: 'Now, with Venezuelans arriving, they have grown to love Ecuadorians and Colombians, that's the good part.'<sup>254</sup>

Although a number of older forced migrants do not welcome newcomers,<sup>255</sup> empathy with new arrivals is shown by some Colombians and other migrants.<sup>256</sup> In the eyes of certain Colombian refugees, the Venezuelan outflow involves less violence than their own departure conditions, and they feel that their own case is closer to one of 'victims'.<sup>257</sup> Understanding the challenges faced by forced migrants from other nationalities can facilitate integration efforts. As Venezuelan and Colombian forced migrants interact in Ecuador, it is key that official measures 'avoid re-marginalising established refugee communities'<sup>258</sup> and promote agency towards common benefit.

The following section will analyse elements of power that influence outcomes in terms of lives and livelihoods.

### 3.4 *Micro-powers can determine failure or success*

Most forced migrants try to access regular status and seek stable livelihoods, and the Ecuadorian Constitution grants them and Ecuadorians the same rights. But between progressive written law and access to formal jobs in Ecuador, there is a grey area of practice where individual stances act. Particularly, lack of clarity in norms is conducive to the exercise of micro-powers, a series of micro-strategic positions meant to exert control as part of a microphysics of power as described by Foucault.<sup>259</sup> Public and private decisions by bureaucrats, employers, landlords and others positively or negatively affect insertion and livelihoods.

Discriminatory tendencies in micropowers feed on each other: in migration offices and private acts they modify the possibility of access, agency and even free circulation. A foreign accent in a public place can trigger insults from strangers, but also requests to show documents from police.<sup>260</sup> Micropowers acting in situations where forced migrants are vulnerable to abuse usually benefit from impunity. The cases of bureaucrats and employers are examined below.

Where rules leave room for discretion, bureaucrats in the human mobility field can either comply with international refugee law as incorporated in national legislation, or discretionally limit rights compliance for forced migrants. In a state-centred system, migration officers dealing with asylum seekers often act in a protective way. Paradoxically, some

247 Márquez, C. and Velasco, B. 2018. Migrantes ecuatorianos radicados en Venezuela retornan por la crisis. *El Comercio*, 10 February.

248 Herrera, G. et al. 2012. Perfil migratorio del Ecuador 2011. IOM, p50.

249 Albán, A. 2017. Los vacíos del plan de migrantes retornados. *Expreso*, 31 July.

250 Espinosa, M.F. 2018. Informe de Rendición de Cuentas 2017. Ministerio de Relaciones Exteriores y Movilidad Humana, p2.

251 Registro Oficial 2017, n79, arts 27 to 37.

252 See also *El Tiempo* 2018.

253 Interview 10.

254 Interview 6.

255 Interview 6.

256 Several self-called 'expats' from the growing US retiree community in one Ecuadorian city collaborate with religious groups and associations to assist Venezuelans (context information).

257 Interview 10.

258 Fiddian-Quasmiyeh 2016, n246, p27.

259 Foucault 1975, n41, pp30–33.

260 Interview 3.

do not seek to protect the asylum seeker but the state for which they work.<sup>261</sup> A hostile environment can dominate asylum interviews based on a prejudiced 'fake refugees' view.<sup>262</sup> Here, the pre-eminence of 'human rights over state interest is dead letter if public servants do not act accordingly in practice.'<sup>263</sup> Obstructive attitudes adopted by public servants as a personal choice are instances of individual restrictive positions that may go unhindered.

Visa rejection cases based mainly on apostille problems<sup>264</sup> led many Venezuelans into irregularity in mid-2018, as reported in Venezuelan visa support group chats.<sup>265</sup> Consequences for migrants included delays and costs for reprocessing of apostilles in Venezuela; exceeded regularisation time limits precipitating irregular status; fines and exclusion from formal employment. However, the need for apostilled original documents is not listed in LOMH.<sup>266</sup> The degree of institutional and individual responsibility for restrictive attitudes in this subject<sup>267</sup> merits analysis.

Irregular employment relationships involving Venezuelan nationals in the studied sector usually entail lack of respect for workers' rights. In many cases, it appears as if the concept of rights compliance was not compatible with the notion of power exercised by the employer. Frequently, exploitation ensues: failure to pay, payment below minimum wage, absence of social benefits, extended working hours, harassment and abuse. The power left to employees is the decision to leave, often without pay, or to denounce the employer, which usually means losing the job. However, employers are rarely denounced upon departure, since irregular migrants fear receiving sanctions or provoking retaliations on undocumented colleagues remaining in the firm. Thus, fear of migratory fines contributes to preserve irregular employment.

Staff selection in the formal private sector involves free choices by employers within established guidelines. In contrast, irregular jobs have been depicted by employers as a way to 'help' forced migrants in desperate situations.<sup>268</sup> But unscrupulous managers seek underpaid labour for their own benefit. They thrive in a restrictive environment, with complex regularisation processes, absence of other ways forward for forced migrants and scarce creation or formalisation of jobs.

Other micropowers affecting insertion are public servants, service providers or decision makers at credit institutions. Conversely, individual initiatives for inclusion and against discrimination can have exemplary power.

Possible responses to power include subordination, compliance and resistance.<sup>269</sup> With the strength of number and cooperative effort, forced migrant associative agency can address needs and react to injustice. Such initiatives merit support by private and public actors, organisations and the general public. Through daily choices, individual clients and employers can determine the economic outcomes of forced migrants, which are factors at play in integration processes.

### 3.5 *Pivots in labour networks*

Regarding employment, the agency of forced migrants can be guided to obtain better results, and pivots may be introduced to assist them. Tables 3.6 and 3.7 compare strategies used by migrants and firms for seeking and advertising jobs. Common vehicles are networks and social media, printed newspapers and shop windows. The study found that job offers by firms seldom reached forced migrants.<sup>270</sup> In this sense, strategies where both groups meet are key, and the insertion of forced migrants in labour-related networks is desirable.

Role	Friends/ family	Window sign/ asked in street	NGO/ church	Press	S o c i a l media	Internet employment agency
CW	5	1		1	1	
CM	3	4	1	1		1
VW	3	5		2	2	3
VM	2	1	1	3	1	2
Total	13	11	2	7	4	6

261 Larreátegui 2011, n25, p14.

262 Larreátegui 2015 and Schussler 2009 in Lozano, L. 2016. Efectos y negociaciones en torno al sujeto refugiado/a. A propósito de la población refugiada en Ecuador. Quito: Flacso Ecuador, p135.

263 Larreátegui 2015, n25, p88.

264 Interview 13. Format details in criminal record apostille submitted in paper in Ecuador are compared by visa officers with their online version at the Venezuelan SAIME webpage. Inconsistencies in date or other format details unrelated to migrant action result in application rejection.

265 Accessed through a study participant (245 members).

266 See n127.

267 Visas have been blocked for the husband but not the wife presenting identical documents, by one visa officer and not by another or in one city and not the next, as reported by visa chat participants.

268 Interview 13.

269 Villarreal 1994, n43.

270 OECD and UNHCR. 2016. Hiring refugees – What are the opportunities and challenges for employers? Migration Policy Debates No. 10, September.

Employers	12	3	2	8	5	1
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Table 3.6 Job-seeking and advertising methods and their use by forced migrants and employers

Role	Employment exchange Bolsa empleo	Other (asked owner)	Firm workers network	Clients, providers network	Training/ University database	School community -alumni
CW	1	1				
CM						
VW						
VM		1				
Total	1	2				
Employers			14	6	5	4

Table 3.7 Job-seeking and -advertising methods: unilateral use

Those firms using newspaper announcements and window signs received numerous foreign-candidate responses. In contrast, in-house referral by employees, replacement hunt by departing workers, university databases/announcements or employers' personal/business acquaintances resulted mostly in local hires. Forced migrants come in contact with labour networks only if they or their acquaintances work. They have few Ecuadorian relations and scarce contact with local education and training networks. Besides getting acquainted with the new environment, challenges to access formal employment include lack of vacancy information, absence of trusted local relations for referrals and biased perceptions by some employers.

In a society that favours personal referral, pivots are needed to connect forced migrants with networks when opportunities arise. Diaspora contacts play a triple role: first, employers sharing the nationality of forced migrants tend to employ their fellow citizens;<sup>271</sup> second, diaspora members can share job opportunity information; third, job recommendations may be obtained from older residents with trusted local contacts. Study results show that employers are open to recommendations for foreign nationals.<sup>272</sup>

Short training opportunities that mix local and migrant trainees are especially relevant. They offer job-seeking assets such as training certificates, local contacts and knowledge about labour market, salaries, local labour norms, business creation and formalisation processes.<sup>273</sup> On the other hand, diaspora associations, assistance organisations, local governments and training institutions can jointly compile information on available jobs and on local and forced-migrant candidates.<sup>274</sup>

While communities and associations can manage information and act as referral systems, returnees with local and foreign experience are sources of business-opportunity ideas. If given credit and support, they may trigger job-creation initiatives for locals and forced migrants, orient newcomers and supervise foreign manpower in job-creation efforts. Some may even act as investors. In this light, consultation with older refugee communities, Ecuadorian returnees with relevant experience and assistance organisations can provide useful input towards public or private job creation or insertion plans. All efforts to promote inclusion must take the needs of the host community into account.

271 Interview E14.

272 See Annex 3, Table A3.6.

273 Access to RUC or RISE taxpaying numbers allow regular forced migrants to obtain invoices and formally provide one-time or periodic services.

274 See description of registry created by Asociación Civil Venezuela en Ecuador at [https://drive.google.com/file/d/1e41\\_A-7gniWcSeR80eZAgTvQUdgk80I4/view](https://drive.google.com/file/d/1e41_A-7gniWcSeR80eZAgTvQUdgk80I4/view)

## 4. Conclusions

Limited destination choices<sup>275</sup> bring Colombian and Venezuelan forced migrants in need of livelihood opportunities to economically contracted Ecuador. Although language and culture may be similar in the countries of origin and the host country, discrimination and other constraints place forced migrants in a more complex situation than locals.<sup>276</sup> Although they have been forced to leave their home countries, they are nonetheless perceived as economic migrants<sup>277</sup> who compete for jobs in a country where the right to work is unfulfilled for many nationals. Beyond individual choices by employers, macro solutions depend on economic management and migration policy, which are directed and influenced by political decisions.

Forced migrants who obtain a legal stay in Ecuador have a right to work. However, very few of them are formally hired. Regular status is a necessity for formal work, but it seldom translates into gaining access. This finding is consistent with official figures showing low rates of formal employment among forced migrant nationalities.

The potential of the Ecuadorian *cédula* ID to assist those with regular status in finding formal employment merits study. Newly available to visa holders, the *cédula* has been presented as facilitating access to public services for forced migrants. Nevertheless, challenges remained in 2018, such as the initial need to wait for renewal of refugee status to obtain a *cédula*, and particularly lack of access to it for asylum seekers waiting for admissibility or RSD decisions.

The double admissibility RSD process, with its delays and three-month regularity window, does not, in practice, allow asylum seekers to access the formal labour market. This is an example of a state-led exclusionary practice. Failure to access jobs and long processing times have led many asylum seekers to move between categories and seek more expedient access to employment as economic migrants, thus renouncing international protection.

Although mandatory for formal jobs, regular status does not appear to influence access to informal employment for study participants.<sup>278</sup> Access is often decided by employers based either on preconceptions or on the possibility to pay lower wages to needy forced migrants. Young migrant women are particularly affected by stereotypes which lead to facilitated access, but under sexualised parameters that carry with them risks of harassment or abuse. This practice is a continuation of the treatment received by Colombian refugee women in Ecuador and is aggravated by Venezuelan forced migrants' need to send remittances, and by limited availability of international assistance for non-refugee Venezuelans.

Micropowers as described by Foucault thrive in the presence of blind spots where regulations, inspections or quality control are not applied or leave room for discretion, which in turn allows for notions of 'favour' or corrupt practices.<sup>279</sup> This applies not only to the objectification of forced migrant women by employers, but also to inconsistent application of criteria by bureaucrats regarding documents presented to fulfil visa requirements, or in the application of migratory fines for forced migrants, the legality and logic of which have been questioned. In such circumstances, human rights and constitutional principles do not prevail in Ecuador.

As advanced for the case of Syrians in Lebanon,<sup>280</sup> local results show that the social capital of forced migrants is helpful for livelihoods. In a context of scarce aid or opportunities, the present study finds value in bridging with locals but also in bonding with forced migrant communities and diaspora. They are pathways to information, personal recommendations and eventual access to decision makers in employment issues.

On the micro level, this study suggests that access to formal employment for forced migrants with regular status allowing them to work usually depends on the personal decisions of managers. In a migrant-rich country like Ecuador, access is more likely to occur in the presence of employers who have insider experience in migration, either personally or through positive interaction with forced migrants. This builds on cohabitation ideas by Fiddian-Qasmiyeh, and adds to employment considerations by Jacobsen and Betts et al.

Absent substantial international assistance and state provision of living stipends for vulnerable refugees or migrants, the most significant form of protection that a middle-income country like Ecuador can grant to forced migrants is regular status, which allows them to seek livelihoods in the formal sector. In Ecuador, however, regular status is not a guarantee of access to work, and although migrants may seek employment in the formal sector, they often find it only in the informal sector, or are charged with informal tasks within formal businesses. Channels used for job seeking are relevant in Venezuelan migrants' inability to access employment allowing for remittance-sending, which in turn triggers further movement.

As regional integration advances, it is certain that migration within South America will increase. Mercosur or Unasur visas conceived with a free mobility model in mind are valid only in the issuing country and are not presently a factor for further mobility in South America. As the region faces the need to link mobility with protection,<sup>281</sup> initiatives

275 Betts et al 2016, n28.

276 Jacobsen 2014, n19, and Betts et al 2016, n28.

277 Zetter and Ruaudel 2018, n1.

278 Jacobsen 2014, n19 and Böhme and Kups 2017, n48.

279 Jacobsen 2014, n19.

280 Uzelac et al 2018, n33.

281 Long, K. 2009. Extending Protection? Labour migration and durable solutions for refugees. UNHCR Research Paper No. 176; Long 2015, n21.

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towards the portability of refugee status merit analysis. They are a pending issue in the regional agenda.<sup>282</sup>

It is safer for forced migrants to live with regular status, and sounder for states to host regular rather than irregular migrants. Likewise, law-abiding, tax-paying economic activities provide more security than informal ones. The flight of forced migrants is not planned and should be addressed first and foremost from a humanitarian perspective, and states like Ecuador need to invest in services that cover the basic needs of locals, refugees and migrants.

In the absence of international assistance allowing for the survival of forced migrants in a low- or middle-income country, complementary development initiatives are needed to address strategic job creation for locals and forced migrants. The main result will be to ensure livelihoods, but side effects in terms of economic growth may be visible in a few years. This can happen in countries having aligned their human development needs with training and job creation, strategically matching jobs with a qualified (national, returnee or forced migrant) workforce. Local understanding about job creation brought about by the presence of forced migrants for the benefit of both populations can in turn foster better integration.



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## 5. Recommendations

Further study is needed regarding the following subjects: pull factors leading forced migrants to specific countries in the South American region, the impact of discrimination and xenophobia, particular risks faced by women, the role of social capital and diaspora safety nets in integration and the economic impact of forced migrations. Growth occurring in areas stimulated by their presence, like services or humanitarian provision of food and basic necessities to those facing vulnerable situations, also merits analysis.

From a state-centred point of view, organised management of migrant labour could improve results for all, as suggested by the ILO and OECD.<sup>283</sup> If forced migrants, together with the local unemployed and underemployed, are to seek livelihoods, then formal job creation is a priority. National and local development plans have defined certain areas as strategic, so it is logical that job creation should be sought in those areas. All efforts should include hosts, returnees and forced migrants, alongside national initiatives towards formalisation.

Associations of foreign nationals are a sign of their social capital. Associations of Venezuelans in Ecuador provide information for effective access to legal stay and data on opportunities and promote initiatives towards autonomous livelihoods. One such initiative, a listing designed to facilitate job-matching efforts by providing information on candidate qualifications, merits attention. Finally, efforts to sensitise entrepreneurs on migration duress, including the experience of fellow Ecuadorians abroad, may lead to changes in perceptions and hiring outcomes.

Initiatives towards a coordinated regional response or compact need to include the views of forced migrants, host communities and returnees. The region needs to work together, with international collaboration. First, to cover gaps in health and education provision and for an effective reception of forced migrant populations; second, in labour management, to promote and guide public and private investment towards job creation and training for migrants and locals (including attracting capital from regional diaspora settled in northern countries); and third, to better manage the 'opportunities' side of job-placement efforts for hosts and newcomers. Finally, collaboration among countries and international assistance are needed for schemes that promote continued protection, and for adequate public information and sensitisation initiatives that encourage integration.

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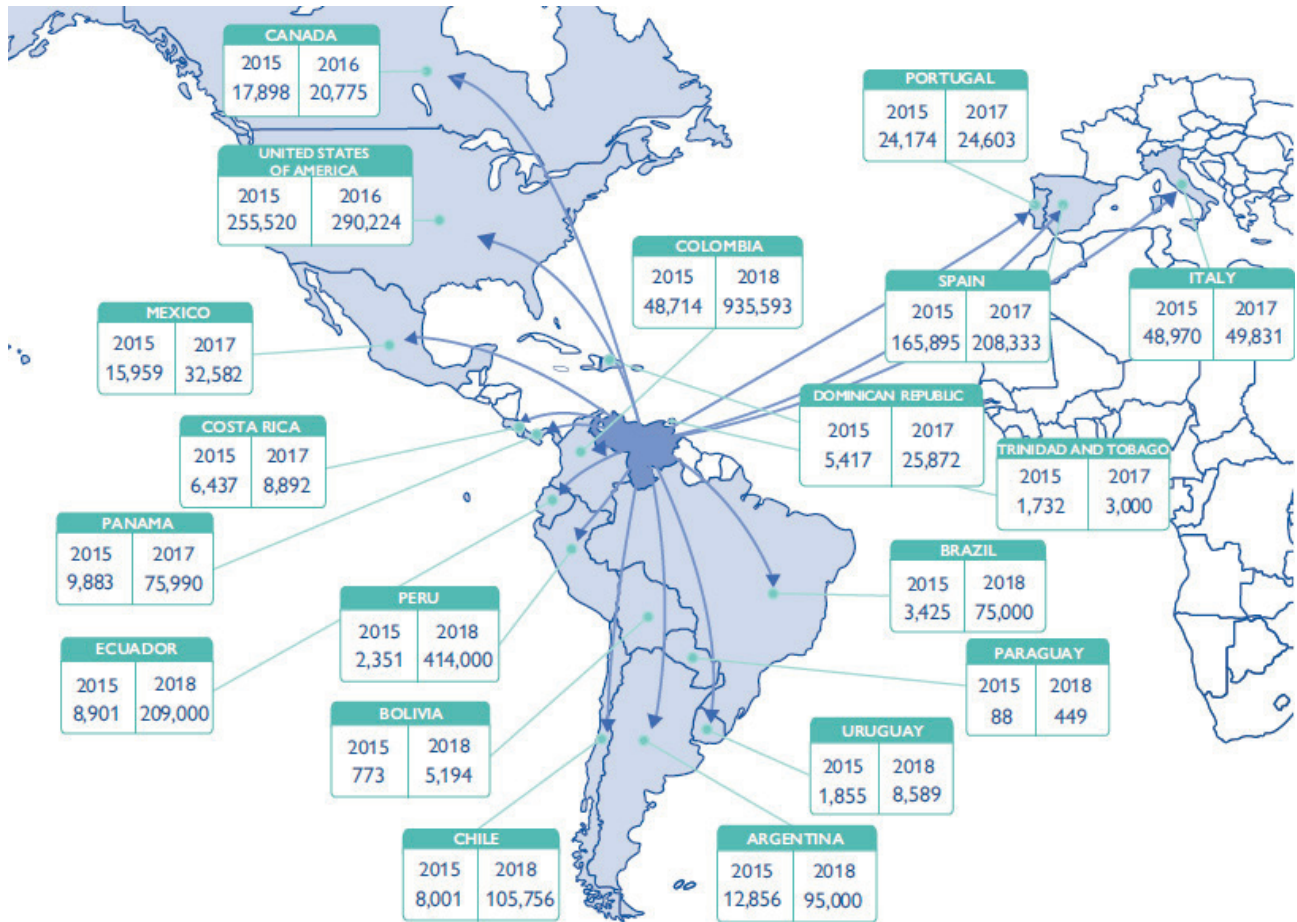
283 ILO and OECD 2018, n58.



## 6. Annexes

### Annex 1 – Map

ESTIMATE OF SIGNIFICANT DESTINATIONS FOR VENEZUELAN 2015–2017/2018



Taken from: Migration Trends in the Americas – Bolivarian Republic of Venezuela (IOM 2018)

Ecuador information sources: United Nations Department of Economic and Social Affairs (DESA) 2015 and Ministry of Interior 2018

## Annex 2 – List of quoted interviews

### **Ecuador**

Staff member, humanitarian organisation, 19 April 2018  
 Director, government agency, 3 May 2018  
 Security expert, academic institution, 4 May 2018  
 Labour and gender specialist, international organisation, 29 May 2018  
 Staff, humanitarian organisation, 14 June 2018  
 Project officer, non-governmental organisation, 30 July 2018  
 Human mobility expert, academic institution, 1 August 2018  
 Officer, humanitarian organisation, 2 August 2018  
 Staff member, humanitarian organisation, 3 August 2018  
 Refugee leader, 7 August 2018  
 Director, local government, 9 August 2018  
 Executive, employment agency, 23 August 2018  
 Lawyer, humanitarian organisation, 6 September 2018

### **Peru**

Refugee scholar, academic institution, 17 April 2018  
 Employer, private firm, 16 September 2018

### **Colombia**

Officer, humanitarian organisation, Colombia, 4 May 2018  
 Officer, humanitarian organisation, Colombia, 5 May 2018

### **Selected Ecuadorian city**

CW: Colombian Women 1 to 5  
 CM: Colombian Men 1 to 5  
 VW: Venezuelan Women 1 to 5  
 VM: Venezuelan Men 1 to 5  
 20 interviews with Colombian and Venezuelan forced migrants, 12 June 2018 to 3 August 2018  
 E1 to E17: 17 interviews with employers, 5 June 2018 to 5 July 2018

### **Context interviews**

Refugee scholar, Lima, 17 April 2018  
 Intercultural expert, 6 August 2018  
 Forced migrant leader, Quito, 26 April 2018  
 Director, local government, 3 July 2018  
 Guild president, 6 June 2018

## Annex 3 – Additional tables

Questions: Do you have plans to return to your country? When? What factors does this depend upon?

Code	Plan	When	Factors for return
CW1	No		
CW2	No		If Colombia becomes peaceful
CW3	No		
CW4	No		
CW5	No		If something happened to my father
CM1	No		
CM2	No		They may kill me
CM3	No		If something happened to my mother
CM4	No	In many years, to visit my mother and father	For my visa type, I shouldn't go there
CM5*	Yes	To Venezuela, when its dictatorship ends	
VW1	Yes	When Venezuela gets fixed. My husband says to hold on for a year. Our baby is 3 now	
VW2	Yes	When the government falls	
VW3	Yes	I don't know, not now	A change of government
VW4	No	Not now	To bring my child here
VW5	No	That plan is always there, but a long time will have to pass before there is calm, security and food	
VM1	Yes	If the government leaves	If conditions make it possible for me to contribute to my country, yes
VM2	Yes	In 2020	When I finish my paperwork
VM3	Yes	When there is the disposition to return	An improvement of situation, or to bring my children over
VM4	Yes	In two years	If things improve in Venezuela
VM5	Yes	Now it is impossible, the situation has worsened	For an instant visit and return immediately

\* A Colombian man, CM5, presents an atypical case, not seeking asylum and hoping for return. Having lived in Venezuela for thirty-nine years before arriving in Ecuador, his answers are closer to the pattern found in answers by Venezuelan men regarding legal stay, movement and work.

Table A3.1 Forced migrants and return

Questions: How many people do you live with? Who are they? How many work in the household? What is your position in the household?

Nat/ Gen code	N°	Household members living with interviewee	N° presently working	Role of interviewee
CW1	2	son (<18), niece (<21)	1	head of household
CW2	6	partner, 3 children (<18), 1 (<21), niece (<5)	2	head of household
CW3	3	partner, daughter (<21) and niece	3	head of household
CW4	3	relatives	3	dependant
CW5	3	partner, children (infant, <8)	2	dependant
CM1	3	partner and children (infant, toddler)	1	head of household
CM2	5	partner and children (infant, toddler, 2 <14)	0	head of household
CM3	4	partner, son (<18), aunt, cousin	1	head of household
CM4	3	partner, son (toddler), cousin	1	head of household
CM5*	6	partner, 2 children (<21, <28) and friends	7	all contribute
VW1	3	partner, children (toddler, <28) and friends	2	co-head of household
VW2	3	parents, sister (<28)	4	all contribute
VW3	1	brother	1	all contribute
VW4	2	brothers	0	all contribute
VW5	2	parents	2	head of household
VM1	2	friends	3	head of household
VM2	5	partner and in-laws	2	head of household
VM3	1	partner	2	co-head of household
VM4	2	partner, son (<8)	1	head of household
VM5	0	alone	1	head of household

\* CM5 and his household follow a pattern closer to Venezuelans (see note in Table A4.1).

Table A3.2 Living arrangements and breadwinners among forced migrants

Nat/ Gen	Formal sector	Informal sector
CW	4	2
CM	4	5
VW	5	4
VM	5	2
Total	18	13

Table A3.3 Job-seeking in formal and informal sectors

Nat/Gen	Services	Agriculture	Industry	Construction
CW	5	1	1	
CM	4	2	1	2
VW	5	1		
VM	5	1	1	2
Total	19	5	3	4

Table A3.4 Job-seeking by sectors

Nationality/Gender	Experience of abuse or harassment	Actor of abuse/harassment
Colombian Women (4 answers)	4	Employers (2) clients (2)
Colombian Men (4 answers)		
Venezuelan Women (4 answers)	1	Clients
Venezuelan Men (3 answers)	1	Co-workers

Table A3.5 Experience of harassment at the workplace

Question: Would you hire a Colombian or Venezuelan worker who was recommended to you by a trusted person? Would the decision depend on their nationality? Who would you hire and why?\*

Would you hire the person?	Would the decision depend on nationality?	Who would you hire and why?
Yes	No. Recently, we needed a poly-functional employee...A foreign person came who had the experience and was well-liked upon the first meeting. But when I called his last employer, I got bad references. It hurt not to hire him, because he was good.	
Yes	No	If a person has experience, it's easy to show.
Yes	No	A person with legal documentation, good worker.
Yes	No, rather on their experience.	
No		An Ecuadorian. We have to look after our own.
	No, if the recommending person is very trustworthy, I would give them the job.	
Yes	No	A Colombian.
Yes	No, if a friend recommends him or her.	
Yes	No	Ecuadorians. Because (for others) it's more complicated. A guy who used to work here and left for a better-paying job, came to visit. In little time they had hired two Venezuelans instead of him. It's like that in the shopping centre: they [Venezuelans] work for half the price.
Yes	No	The Venezuelan, for the recommendation.
		If they know how to do the job, it's theirs. If they know the job better than I do, they will improve my business.
Yes	No	

	90–95% of chances that I would hire an Ecuadorian.	Colombians are more trustworthy, they talk less, work more. Venezuelans work less, talk more. Now I work more with Venezuelans because my boss says: 'I too was a migrant'.
Yes	No	Colombians for their attitude, good disposition, cordiality; they can sell anything to you.
Yes	No	If the person has knowledge and experience, any slight doubt will be dissipated.
Yes		If it's a Venezuelan recommended by a Venezuelan who knows him or her, yes.
Yes		I would open the door and give an opportunity.

\* Two employers interviewed said that they would not hire people from a particular nationality.

Table A3.6 Employers and recommendations

Thoughts about hiring a Colombian refugee	Thoughts about hiring a Venezuelan forced migrant
The criminal record is very important. It is easier to get information on Ecuadorians, very difficult to get information about Colombians.	The criminal record is very important. It is easier to get information on Ecuadorians, very difficult to get information about Venezuelans.
I would ask for their criminal record, legalised. They should demonstrate capacity.	(Same as column 1)
They need to have their documents in order. I would see their behaviour, work, honesty, values. Everything can be learned, but education and values are important.	(Same as column 1)
The same as for everybody else. I have family ties with Colombians, my godfather was Colombian. I have sympathy for Colombians.	As a student abroad, I had a Venezuelan housemate. When they caught a delinquent band, one or two [of its members] were Ecuadorians, part of the 80s migrants. One must not be prejudiced.
Security	Security
It would be in terms of security, I don't know, if she/he is going to behave well, will not cause damage here.	Same as column 1. I would have even more doubts. They are very demanding. Experience with Venezuelans involves clients who demand better service and want to pay cheap. They ask too much. I don't know if we [Ecuadorians] are like that ourselves.
I would see if she/he fulfils the needed qualities.	(Same as column 1)
If the occasion arrived: security above all, he/she may commit a crime here.	(Same as column 1)
I don't see a problem as long as they show their interest in working and they are efficient.	Same as column 1, I don't see a problem, but if they have everything, everything, everything, regularised.
I would think that I will have some problems.	These people need more, and they can adapt to the environment.
I have given and still give work: a week, 15 days, gardening, construction, cleaning, washing.	I have given work.



I do give them (work). For a man who already had his visa, I read his CV and past [and hired him], and he ended up being a great person.	I just read his CV and management profile.
They need to have their documents in order. To present their criminal record. To have knowledge for the job. Colombians shows me [what they know], they don't go further (beyond their knowledge limitations), she/he says 'I don't know'.	I have to verify that they know. They say that they know everything but when you put them to work, they don't. They have the CV of an eminence, but we have put limits to hiring them because they soon say 'I want more'. Such high CV is not for my firm.
I would be a little insecure. In a situation of legalising a contract with them, I don't know what must be done.	The same administrative preoccupation.
The experiences that they carry with them are not necessarily positive ones.	I am more inclined to give a Venezuelan a job, for I have seen the exodus. I have been at the border. The exodus is incredible. It is very common to see them walking south, in family groups.
First, I want to help. Second, I would verify that the person demonstrates responsibility on the job. I would put her/him to the test.	Due to motives related to social media and TV information, I'd refrain from hiring them.
I never investigate. I've given jobs, I have no problem.	Yesterday I introduced a Venezuelan worker.

Table A3.7 Thoughts by employers on the possibility of hiring Colombian refugees or Venezuelan forced migrants

	Reports of total hires in 2018	Reports of Colombian hires in 2018	Reports of Venezuelan hires in 2018	Reports of Colombian hires before 2018*	Reports of Venezuelan hires before 2018
	3				
	2				
				(1)	
	1				
	1		1		
	4				
	1				
	2		2		
	6			(1)	1
				(5)	
	1			1	
	1	1		1	
	10		2	1	
TOTAL	32	1	5	3	1

\*Numbers in parenthesis correspond to workers no longer in the firm

Table A3.8 Employers on Colombian and Venezuelan workers hired (2018 and historical data)

Venezuelans	Ecuador	Peru	Chile
Forced migrants having accessed a legal stay by September 2018	90,000 visas delivered out of 180,000 visa requests received (50,000 pending)	114,825 <i>Permisos Temporales de Permanencia</i> (PTP)	115,661 total; 11,000 <i>Visas de Responsabilidad Democrática</i> (VRD) delivered, 50,000 pending in Caracas
Main visas accessed	1) Unasur and 2) EMEV <i>Estatuto Ecuador-Venezuela</i>	PTP available until 31/12/18 for those arriving until 31/10/18	VRD obtainable only in the two Chilean consulates in Venezuela
Cost of visa	Temporary residence 1) USD250 2) USD450	USD15	USD90
Main requirements	Valid passport Legalised criminal record	National ID Criminal record	Valid passport Legalised criminal record
Conditions for Venezuelan forced migrants	Access to work and education; health insurance required for visa holders to access <i>cédula</i> ID, except for refugees. 1) 2 years, renewable 2) 1 year, renewable	Access to work and education; health through minimum payment and affiliation to <i>Seguro Integral de Salud</i> (SIS). 1 year, renewable	Access to work and education; health through minimum payment and affiliation to <i>Fondo Nacional de Salud</i> (FONASA). 1 year, renewable
Asylum seekers	16,997 Venezuelan applicants (Sep 2018)	133,478 Venezuelan applicants	2,915 Venezuelan applicants

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Refugees	65,537 historically recognised refugees (from 1989 to December 2018) <sup>284</sup>	2,000 recognised refugees	Small historical number of Colombian and Haitian refugees
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Table A3.9 Legal stays (including refugees) in Ecuador, Peru and Chile<sup>285</sup>

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284 [www.cancilleria.gob.ec/wp-content/uploads/2019/06/historico-de-refugiados-junio-2019.pdf](http://www.cancilleria.gob.ec/wp-content/uploads/2019/06/historico-de-refugiados-junio-2019.pdf)

285 Sources: UNHCR 2018e, Encuentros SJS Peru, context information interview 13, J. Valencia (El Telégrafo) 15 October.

## Annex 4 – Graph data

	CM	CW	VM	VW
Humanitarian visa waiting for RSD (3m)	3	4	1	
A4 document – Admissibility process (3m)	1		1	
Mercosur visa (2y)	1	1		
Unasur visa (2y)			1	2
Unasur visa demand				1
No document			2	2

Table A4.1 Data on documents received by forced migrants used in Graph 3.1

	Forced migrants	Employers
Strongly disagree	1	0
Disagree	1	0
Neutral	2	1
Agree	2	0
Strongly agree	14	16

Table A4.2 Data on employers' view of regular status used in Graph 3.2

	Forced migrants
Strongly disagree	3
Disagree	2
Neutral	3
Agree	1
Strongly agree	11

Table A4.3 Data on importance given by forced migrants to the role of regular status in seeking a job used in Graph 3.3

	CM	CW	VM	VW
Humanitarian visa waiting for RSD (3m)	3	4	1	
A4 document in admissibility process (3m)	1		1	
Mercosur visa (2y)	1	1		
Unasur visa (2y)			1	2
Unasur visa demand				1
No document			2	2

Table A4.4 Data on number of jobs per person by migratory document held used in Graph 3.4

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	Seek asylum	Move to another country
CW1	1	1
CW2	1	0
CW3	1	0
CW4	1	0
CW5	1	0
CM1	1	0
CM2	1	0
CM3	1	1
CM4	1	0
CM5	0	1
VW1	1	1
VW2	0	1
VW3	0	1
VW4	0	0
VW5	0	1
VM1	0	1
VM2	1	0
VM3	1	0
VM4	0	0
VM5	0	1

---

Table A4.5 Data on refugee status versus further movement used in Graph 3.5