

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca.

17 January 2014

ECU104732.FE

Ecuador: Treatment of and state protection provided to asylum seekers, particularly Colombians; processing time for asylum applications; whether refugees are eligible for permanent residence or citizenship; whether a Colombian citizen may obtain Ecuadorian citizenship if they were born in Ecuador (2004-2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Treatment of and State Protection Provided to Asylum Seekers

The website of the Office of Refugees (Oficina de Refugiados) of the Ecuadorian Ministry of Foreign Affairs states that asylum seekers must present the following documents to the Office of Refugees:

Original and copy of an official piece of identity (e.g. national identity card or passport);

Original and copy of the Andean card (for Colombian, Peruvian, Bolivian and Venezuelan citizens). For people from other countries, they must show the copy of the passport page with the Ecuadorian immigration permit;

Original and copy of police record (Colombian citizens only);

For underage children, the original and a copy of the birth certificate or the identity card (Ecuador 2006).

After submitting all the documents, applicants receive an asylum seeker card (*carné de solicitante*) (ibid.). The asylum seeker must appear for an interview at the Office of Refugees of the Chancellery (*Oficina de Refugiados de la Cancillería*) (ibid.). Asylum seekers receive a response within 30 days of the interview (ibid.). If the response is positive, asylum seekers will be given a [translation] "refugee visa" (ibid.). If the application is refused, asylum seekers have 30 days to appeal the decision (ibid.). Individuals who filed an appeal but whose appeal is rejected have 30 days to apply for another type of visa to legalize their situation in Ecuador, or they must leave the country (ibid.).

Country Reports on Human Rights Practices for 2012 published by the United States Department of State indicates that,

[i]n practice the registration process often took six months to a year, and occasionally more than a year. During the application process, an applicant receives an asylum seeker card, renewable every three months, that grants the applicant the right to work until refugee status is adjudicated and all appeals are exhausted. A grant of refugee status is valid for two years and then must be renewed (US 19 Apr. 2013, 17).

In addition, *Country Reports 2012* states that,

[i]n May, ... the government significantly tightened the asylum process by removing "generalized violence" as a basis for asylum, limiting applications for asylum to people who had entered the country within the previous 15 days, and by adding an eligibility interview to the procedure. The UNHCR [United Nations High Commission for Refugees] estimated that after the new procedures were instituted, approximately 30 to 40 percent of

applicants were denied entry to the refugee process by the eligibility interview and up to 80 percent of the remaining refugee applicants were denied refugee status by a refugee determination panel. Previously, the government permitted 80 to 90 percent of asylum seekers to obtain refugee status (*ibid.*).

Sources also state that, in 2012, Ecuador adopted Presidential Decree 1182 (Human Rights Watch 20 June 2013; UN 2014, 1). Human Rights Watch explains that

the Decree includes a narrow definition of who may be considered a refugee; establishes a new admissibility procedure under which officials may reject "manifestly unfounded" asylum claims in a manner that contravenes UN guidelines; imposes a 15-day limit within which a person must register an asylum claim after he or she enters Ecuador, which should be applied flexibly; allows officials overly broad authority to reject an asylum application before reviewing it, on the grounds that an applicant may have previously committed crimes; and grants public officials overly broad powers to revoke refugee status (20 June 2013).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.1 Treatment of Refugees

Country Reports for 2012 states that refugees reported discrimination in employment and housing (US 19 Apr. 2013, 17). In 2011, the Ecuadorian newspaper *El Comercio*, published daily, reported the case of two female refugees who had difficulty finding employment by reason of their status (*El Comercio* 11 Sept. 2011). According to *Country Reports for 2012*, when the report was published, refugees had access to public health care services (US 19 Apr. 2013, 17). In an interview with *El Comercio*, a female refugee stated that she had not been discriminated against with respect to public health care services (*El Comercio* 11 Sept. 2011).

According to *Country Reports for 2012*,

[u]rban refugees were vulnerable to crime, violence, and discrimination. ...Societal stereotypes and media reports often portrayed refugees as criminals and prostitutes, which affected refugees' ability to assimilate into the local population (US 19 Apr. 2013, 17).

Country Reports for 2012 states that

[t]he presentation of any identity document is sufficient to provide access to public educational institutions. However, NGOs asserted that some local school authorities prohibited noncitizen children from enrolling in school. Some NGOs also reported that the Civil Registry did not always cooperate in registering refugee children or registering children of refugees born in the country, despite legal requirements to do so (*ibid.*, 17-18).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Permanent Residence and Citizenship

Country Reports for 2012 states that very few refugees have obtained permanent resident status or citizenship due to the lengthy and expensive legal process required (US 19 Apr. 2013, 18).

According to *Country Reports for 2012*, "[t]he number of Colombian refugees voluntarily repatriated to Colombia was minimal. The main durable solution remained local integration, even though there were many obstacles to achieve sustainable local integration" (*ibid.*).

Further information indicating whether refugees are eligible for permanent residence could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

2.1 Citizenship

Chapter 2 of the Constitution of Ecuador concerning citizenship is attached to this Response.

Further information indicating whether refugees are eligible for citizenship could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

- El Comercio* [Ecuador]. 11 September 2011. "El refugiado es excluido en el campo laboral." <http://www.elcomercio.com/reportajes/refugiado-excluido-campo-laboral_0_551944890.html> [Accessed 30 Dec. 2013]
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- Human Rights Watch. 20 June 2013. "Letter to President Correa on Refugee Rights." <<http://www.hrw.org/node/116555>> [Accessed 15 Jan. 2014]
- United Nations (UN). 2014. United Nations High Commissioner for Refugees (UNHCR)."2014 UNHCR Country Operations Profile - Ecuador." <<http://www.unhcr.org/pages/49e492b66.html>> [Accessed 15 Jan. 2014]
- United States (US). 19 April 2013. Department of State. "Ecuador." *Country Reports on Human Rights Practices for 2012.* <<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204448>> [Accessed 13 Jan. 2014]

Additional Sources Consulted

Oral sources: Attempts to contact representatives of the following organizations were unsuccessful: Asamblea Permanente de Derechos Humanos del Ecuador; Asociación de Refugiados Colombianos en Ecuador; Cruz Roja Ecuatoriana; Ecuador – Oficina de Refugiados, Ministerio de Relaciones Exteriores.

A representative of the Embassy of Ecuador was unable to provide information within the time constraints.

Internet sites, including: Agence France-Presse; Amnesty International; Asamblea Permanente de Derechos Humanos del Ecuador; Asociación de Refugiados Colombianos en Ecuador; BBC; Caracol; CNN México; ecoi.net; *El Telegrafo*; *El Universo*; Ecuador – Gobierno Nacional de la República del Ecuador, Ministerio del Interior, Ministerio de Justicia, Derechos Humanos y Cultos, Ministerio de Relaciones Laborales; Factiva; *La Hora*; Organization of American States; United Nations – Integrated Regional Information Networks, Refworld.

Attachment

Ecuador. 2008. Ministry of Foreign Affairs. *Constitution of the Republic of Ecuador, 2008.* HeinOnline. <http://heinonline.org/HOL/COWShow?collection=cow&cow_id=126> [Accessed 17 Jan. 2014]

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Date modified: 2014-06-11

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