



RESPONSES TO INFORMATION REQUESTS (RIRs)

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22 December 2004

ECU43244.E

Ecuador: Whether a Colombian citizen who has an Ecuadorian spouse can be granted status in Ecuador by virtue of marriage; process required to acquire status
Research Directorate, Immigration and Refugee Board, Ottawa

In a 10 December 2004 telephone interview, the Attaché (Consular Affairs) of the Embassy of Ecuador in Canada indicated that the spouse of an Ecuadorian citizen, when moving to Ecuador, is issued a visa which permits him or her to work. If desired, the spouse can start the proceedings to acquire Ecuadorian citizenship, since there is no specified time limit for the visa (Embassy of Ecuador in Canada 10 Dec. 2004). The application form for the visa can be found on the Website of the Ministry of the Interior of Ecuador and is available in Spanish at the address: <<http://www.mingobierno.gov.ec/info/visa10-VI.doc>> (Ecuador n.d.c).

In a correspondence dated 20 December 2004, a counsellor at the Embassy of Ecuador in Canada indicated that every foreigner has to register in the [translation] "Foreigners' Registry" within 30 days of his or her arrival in Ecuador.

Article 8 of Title 2, Chapter 1 of the Ecuadorian constitution states that foreigners can become naturalized Ecuadorians by obtaining a naturalization card (Ecuador n.d.a). For details on how to obtain a naturalization card, please see Response ECU26413.E of 24 February 1997.

According to the United States Defense Security Service's interpretation of Ecuadorian citizenship law, in Ecuador, "[m]arriage to an Ecuadorian national does not automatically grant citizenship, but it does aid in expediting the process" (US n.d.).

The Ministry of Foreign Affairs of Ecuador mentions that a request for the [translation] "Declaration of Ecuadorian Nationality through Naturalization" for a foreign spouse is to be directed to the Minister of Foreign Affairs, along with any required documents (Ecuador n.d.b). It states that this process [translation] "applies to foreign women married to Ecuadorians" (ibid.). No mention of the process as it applies to men is made in this document.

According to the counsellor at the Embassy of Ecuador in Canada, the reformed constitution of 1998 permits double citizenship and, as long as Ecuador has a reciprocity treaty on this matter with the state of origin, it is not necessary to give up ones original citizenship (20 Dec. 2004).

The counsellor at the Embassy of Ecuador in Canada further indicated that, in order to be valid in Ecuador, a marriage needs to be registered in the civil registry (20 Dec. 2004). The Embassy of Ecuador in the United States gives more information on marriage registration in Ecuador:

The marriage of Ecuadorians between Ecuadorians and foreigners or to foreigners residing overseas can be performed at the office of Ecuadorian Consulates, where the registration and ceremony take place and is valid in Ecuador (Cost US\$ 60.00). The marriage can also take place before foreign authorities and in this case, to have validity in Ecuador, one must present proper documentation at an Ecuadorian Consulate.

Marriage registration requirements:

- a.The original marriage certificate or license issued by the proper civil authority. (Legalization cost US\$ 10.00)
- b.Certificate of marriage or license translated into Spanish, notarized. (Legalization cost US\$ 10.00)

Beginning June 1, 2000, the Ecuadorian Consulate is not permitted by Law to register the marriages held overseas, the Ecuadorian Consulates will limit their duties to legalize proper documentation and the interested party must register the marriage once he or she has arrived [in]Ecuador at the Civil Registry Office.

Once it is registered, the consulate will send the certificate to the Headquarters of the Civil Registry in Ecuador for its permanent record (Embassy of Ecuador in Washington, DC n.d.).

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 additional sources consulted in researching this Information Request.

References

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Embassy of Ecuador, Ottawa. 20 December 2004. Correspondence from a counsellor.

_____. 10 December 2004. Telephone interview with the Attaché (Consular Affairs).

Embassy of the Republic of Ecuador, Washington, D.C. n.d. "Marriage registration." <<http://www.Ecuador.org/Registration.htm>> [Accessed 15 Dec. 2004]

United States. n.d. Defense Security Service (DSS). "Ecuador." <<http://www.dss.mil/nf/adr/forpref/country3.htm>> [Accessed 15 Dec. 2004]

Additional Sources Consulted

Internet sites, including: Embassy of the Republic of Ecuador in Canada, Embassy of Ecuador in the United States, Ministry of Foreign Affairs of Ecuador, Political Database of the Americas.

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