

Gioconda Herrera • Carmen Gómez
Editors

Migration in South America

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Chapter 6

Contradictions and Shifts in Discourse and Application of the Refugee System in a Mixed-Migration Context: The Ecuadorian Case



Jennifer Moya, Consuelo Sánchez Bautista, and Jeffrey D. Pugh

6.1 Introduction

The refugee system in the Americas is codified in instruments like the Refugee Convention and Protocol, the Cartagena Declaration, the Mexico Action Plan and Brazil Declaration, and implementing legislation within member states. However, there is a widely recognized gap between institutional rights protections and implementation in practice. This chapter traces the case of forced migration in Ecuador—especially of Colombians and Venezuelans—to advance the argument that the conceptualization and application of the refugee system has shifted considerably over the past decade as the boundaries that separate refugees from other migrants in discourse, policy, and practice have blurred. Domestic political incentives, external changes like the Colombian peace agreement, and especially the rapid increase in Venezuelan migration flows have led to a shift in discourse and policy. This shift has moved from an openness and protection orientation that relies on generosity, rights, and solidarity narratives to an ambiguous openness that masks the regression of a rights-based refugee regime, exposing contradictions in the system, to open nationalistic securitization. The chapter draws on discourse analysis of political speeches and media stories in Ecuador, as well as compilations of migration statistics from the Ecuadorian Ministry of Foreign Relations, to advance the argument that

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domestic and international actors have engaged in a heated negotiation and messaging competition over the nature and goals of migration policy in Ecuador in the face of distinct population flows over time.

6.2 Theoretical Foundations of Migration Securitization and Discourse Between National and International Actors

International institutions are a reflection of the interests and goals of their member states, and help coordinate collective action that is in these states' interest, but they also develop a degree of autonomy, independent organizational identities and interests, and seek to influence state behaviors (Barnett & Finnemore, 2004). Given that the value added by many international organizations is the legitimacy they enjoy and the technical capacity and experience that they have developed in specific issue areas, they sometimes insert themselves into national political spaces not merely as neutral forums for state or sub-state negotiations, but as political actors with the ability, willingness, and desire to apply pressure to states and non-state actors to adhere to principles and practices that are in line with the international organization's culture and mission (Rincón et al., 2019). Dai (2007) notes that international organizations, despite lacking any formal jurisdiction, are often able to promote practices at a domestic level that adhere to international norms and goals by proposing frameworks and narratives that are then deployed and sometimes adapted by local political entrepreneurs and constituencies with overlapping or shared goals, who use the international support to bolster the leverage of their own position within the domestic political debate, and in so doing, also increase the power of the international organization.

In the migration policy arena, the United Nations High Commission for Refugees (UNHCR) seeks to promote the idea of obligations to protect refugees and respect the principle of non-refoulement, making common cause with domestic human rights NGOs and ombuds offices. Likewise, the International Organization on Migration (IOM) promotes the notion of safe, orderly migration and the illegitimacy of exploitation of migrant workers (IOM, 2006). In certain contexts and time periods, these institutions may form mutually-beneficial coalitions with labor organizations, the Church, and other domestic constituencies with compatible interests, though differences in mission and relationship with the state can sometimes result in divisions across national vs. international, state vs. non-state, and other lines.

Institutions help to provide the structure in which political decisions are made and migrant human security and integration or exclusion is prioritized in particular host countries. These structures also include political-economic cycles, North-South post-colonial hierarchies of power, and social orders of patriarchy and racism. However, the collective meaning through which populations interpret these structures, select collective memories and narratives, and legitimize specific

policies and practices go beyond institutions to norms. The construction and diffusion of norms, which are defined as “a standard of appropriate behavior for actors with a given identity,” (Finnemore & Sikkink, 1998) or more simply as a collectively shared “social agreement about who should do what” within a particular society (Jurkovich, 2019, 2020), involve the negotiation of identities as well as expectations about the boundaries of collective behavior.

Part of the fierce debate over migration is precisely over how to define *we* in society, what the expectations and obligations are of native-born citizens and of newcomers, and the desirability of allowing migrants to fully integrate into the host community. The powerful role that norms play in shaping the ‘logic of appropriateness’ for migration policy, exclusionary vs. inclusive societal practices and for the behaviors of migrants themselves is made more complex by the fact that there is sometimes a gap between the norms expressed in formal laws and institutions and those that resonate most strongly and have a persuasive effect on people’s actions and attitudes. Indeed, tolerance for migrant presence in a country may be conditioned on informal expectations of migrants’ political and social invisibility (Pugh, 2018, 2021). Some norms depend on the status of the migrant in question—whether they are forced migrants/refugees fleeing violence or those who migrated for economic reasons, or something in between, and whether they have received legal authorization from the receiving state to enter and remain.¹ Jeffrey Kahn (2019) posits that law—both international refugee law and domestic legislation and institutions that interpret and implement these international norms and standards to guide state behavior—is not composed of static texts, but rather is the site of constant (re) making of juridical architectures, adaptive or experimental bureaucratic practices and frequently follows a dialectic between human rights activists and those within the state attempting to meld the juridical framework to their desired *de facto* practice or outcome (as well as convergences of activists and potential allies within the state).

¹Important legal distinctions exist that set refugees apart from other categories of migrants, and the protections they enjoy as well as the regime of international institutions supporting their protection does matter for their experience and security in a host country. Those who seek asylum because they are fleeing a well-founded fear of persecution in their home country because of their membership in particular groups defined by the Refugee Convention and whose home governments are unwilling or unable to offer protection have the right to request protection from the host country. As such, in this chapter, we will refer specifically to refugees (those who have received this recognition and protection from the host state), asylum seekers (those who have formally applied for it and are in the process of awaiting the state’s decision), and forced migrants (a broader category to refer to all people fleeing violence and seeking protection, whether or not they meet the narrow Convention definition of a refugee, and whether or not they have accessed the protection system that they may deserve protection from). However, one of the key points of this chapter is that the distinctions that matter greatly in law may become blurred and less meaningful in the way politicians frame people coming into the country and the way that media narratives describe them. Therefore, we often refer to ‘migrants’, which include both refugees and people who move from one country to another for other reasons (like economic opportunities), since many of the social and political dynamics of securitization and discrimination apply in similar patterns to various categories of migrants.

Law and institutions represent sites for the negotiation of identity claims and policies toward migrants, but narratives, discourses, and media framing also play an important role in shaping the way a host society thinks about migration and the relationship between migrants and native-born citizens. A collective national identity is defined in large part by who is excluded, and migrants are often seen as perpetual outsiders representing a ‘suspect community’ that must prove themselves in order to try to belong (Breen-Smyth, 2014). Thus, a focus on the narratives that seek to distinguish between insiders and outsiders, friends and enemies, allies and threats can help illuminate the social construction of insecurity, coexistence or polarization, and the normative boundaries of acceptable action around migration integration and control (Ferreira, 2019).

The securitization literature describes the ways in which political actors propose a frame or narrative about an issue that they claim to represent an existential threat to some referent (like culturally different or economically disadvantaged migrants coming in large numbers, threatening to compete with native-born workers or erode the widespread acceptance of some cultural or moral characteristic of the host population). Through speech acts and implementing practices, they emphasize the potential harm to the referent that this threat represents, and use it to rationalize the need for exceptional measures to protect against the threat (Buzan et al., 1998; Bigo, 2002; Balzacq et al., 2010). These coercive exceptional measures might not be acceptable as a normal course of action in everyday politics, such as allowing for indefinite detention of suspects without due process, or impunity for extrajudicial assassination, or enhanced surveillance in domestic spaces. Rather, they require a crisis discourse that frames the inflow of migrants as an urgent threat that invokes the need for a ‘state of exception’ to protect against it (Agamben, 2005; Pugh, 2020).

Communication researchers and migration scholars within political science have built on the theoretical framework of securitization to carry out innovative and insightful empirical studies of media and political rhetoric. In doing so, they have detailed and traced the evolution, debate, and promotion of particular migration narratives, and connected these narratives with the diffusion of norms, attitudes about migration, and the acceptance or rejection of competing migration policies (Farris & Silber Mohamed, 2018; Pugh & Moya, 2020; Crawley et al., 2016; Moya, 2020).

Migration policies and discourses rarely follow a binary logic between restrictive and open, positive and negative. Instead, ambiguities abound in the construction and implementation of policies and practices to regulate the entry and integration of migrants into host states. These include discursive conflation of refugees with other sorts of migrants, as well as practices designed to deter migration that in practice also makes it difficult for asylum seekers to access international protections or even the territory of a potential receiving state through ‘remote control borders’ (FitzGerald, 2019). In the context of the Global South in particular, a number of authors have identified practices by which receiving states accept or even tacitly encourage migrants to enter (often with the motivation of benefiting economically from their labor or skills), while creating bureaucratic obstacles or institutional innovations to prolong or make indefinite the process of achieving full integration or naturalization (Norman, 2020; Lori, 2019). Beyers and Nichols (2020) examine

the ways in which the Ecuadorian government, without explicitly engaging in a mass deportation campaign, designed indirect approaches to funnel Venezuelan migrants out of the country as they left in desperation as a result of a strategic approach of ‘government through inaction’.

In these cases, the public policy position of the state is ambiguous, unclear, or occasionally directly opposed to the *de facto* content of its actions. This may provide opportunities to satisfy multiple political incentives and constituents, or to claim international credit for diplomatic leverage while mitigating the real obligations the state incurs in its implementation of migrant policies. It can also reduce transparency, increase corruption, or reduce the degree to which rights protections and security are experienced in practice, even when they are guaranteed in law and discourse.

In the remaining sections of this chapter, we will examine the case of migration reception in Ecuador, particularly the evolution over time from a system dominated by Colombian refugees and asylum seekers to a mixed and complex one that added Venezuelan forced as well as economic migrants, a substantial number of whom see themselves as transit migrants with intentions to continue on to other countries. We begin by tracing the changes over time in population flows, state responses in selecting and restricting the populations recognized as refugees, and in new visa categories, laws, and dominant societal discourses. Then, we analyze how the state and non-state actors responded to these shifts in discourse and practice, attempting to negotiate the collective meaning through which migration in general and the boundaries of the refugee regime in particular was understood by advancing competing narratives through political discourse and through the media.

6.3 Shifting Legal Frameworks, Shifting Population Flows in Ecuador: Colombians, Venezuelans, Refugees, Migrants

Ecuador is a relatively small country compared to other countries in Latin America, with a population of slightly more than 17 million people. However, over most of the past two decades, it has been the largest recipient of refugees and asylum seekers in Latin America. (Pugh, et al., 2020) With a progressive constitution that supports an open-door policy, Ecuador hosted more than 70 thousand refugees as of 2021. Because of its open policies and because it is a neighboring country, Colombians found Ecuador to be an appealing option to seek refuge to escape the armed conflict in their own country, especially after Plan Colombia escalated the level of violence and displacement beginning in 2000.

Statistics show that arrivals, departures, net migration, the number of asylum seekers, and the number of refugees between 1989 and 2018 were dominated by Colombians. However, from 2013 to 2017 Venezuelans gradually began entering Ecuador in larger numbers, accelerating dramatically in 2017 and 2018 (Ministerio de Gobierno, 2020). The reasons why Colombians and Venezuelans come to

Ecuador have different roots. On the one hand, the majority of the Colombian population is escaping from the armed conflict, while Venezuelans are escaping from an economic and political crisis (Castillo & Reguant, 2017). Both populations seek to protect their lives, but are addressed by the migration policies of the host country in different ways. Likewise, the international refugee regime is better defined and offers stronger protection for cases of violent conflict like Colombia than for mixed flows like those fleeing the Venezuelan governance crisis. This section traces the changing migrant population dynamics in Ecuador in order to identify potential causes for shifts in Ecuador's migration response and, through an examination of visa and refugee policy, uncover what the state response reveals about who is valued, and the pressures and incentives to which they are responding.

After the creation and implementation of the mobile registration initiative "Enhanced Registration" in 2009 with co-funding from UNHCR and the Ecuadorian state, Ecuador doubled the number of registered refugees. Its initiatives were directed to refugees from all over the world; however, until February 2021, 96.95% of the refugee population was of Colombian origin. In 2018 and 2019, the patterns of migratory flows changed dramatically. The economic and political crisis in Venezuela unleashed a massive displacement of Venezuelans abroad. In less than 2 years, Venezuelans represented double the number of Colombians who applied for asylum in Ecuador. The high number of applications and the massive entry of Venezuelans resulted in a tightening of the requirements to enter Ecuador or to acquire refugee status, according to nationality (Pugh et al., 2020). Progressively since 2016, narratives that oppose open borders with regulations, militarization of borders, and stricter documentation for migrants have been strengthened. The year 2020 ushered in a new visa system in order to handle the high number of Venezuelan migrants in the Ecuadorian territory. The Ministry of Foreign Affairs and Human Mobility of Ecuador provides statistical details, summarized in the next section, that allow us to analyze and understand migratory flows in Ecuador and their relationship with recent changes in migration policies.

6.3.1 Arrivals, Departures, and Net Migration in Ecuador: Colombians and Venezuelans (2010–2019)

The arrivals and departures of Colombians to Ecuador have been consistent throughout the past decade. However, the behavior of the arrivals and departures of Venezuelans to Ecuador has drastically changed. Between 2010 and 2019, the arrivals and departures of Colombians to Ecuador have oscillated between 13% and 28% of the general total of all net migration to the country. From 2010 to 2012 there was a constant increase in arrivals of Colombians. In 2012, the highest number of Colombian arrivals in the last decade was reported in Ecuador. From 2013 to 2018 there was a decrease in the arrivals of Colombians. In 2019 the number of arrivals of Colombians increased slightly. On the other hand, the arrivals and departures of Venezuelans have oscillated between 3% and 35%. From 2010 to 2016 the

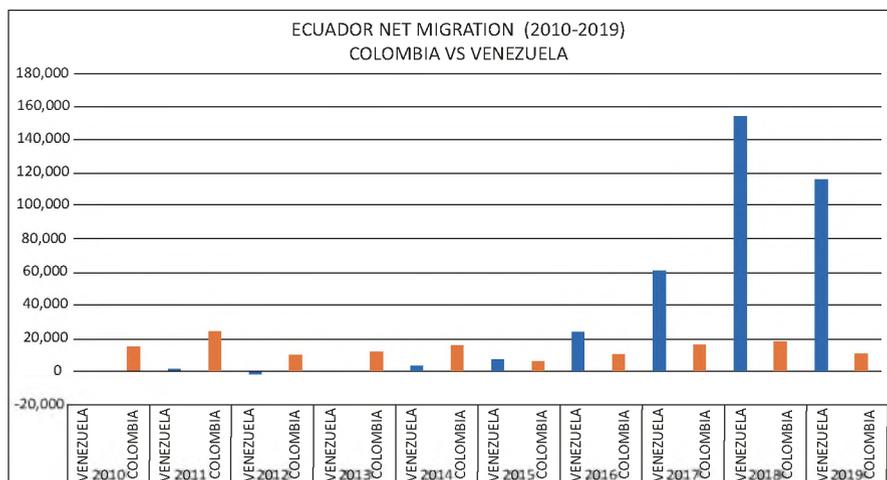


Fig. 6.1 Ecuador net migration Colombia Vs. Venezuela. Period (2010–2019). (Source: Ministerio de Gobierno (2020))

percentage of Venezuelan arrivals never exceeded 10% of the general total. In 2017, Venezuelan arrivals increased to 14% and in 2018 the percentage increased to 35%, the highest percentage of Venezuelan arrivals reported in the last decade. In 2019, arrivals slightly decreased but continued to represent 20% of the general total (Fig. 6.1).

The statistics reflected that in the last decade, the net migration of Colombians and Venezuelans in Ecuador was mostly positive. The net migration of Colombians ranged between 6000 and 24,239 people in the last decade but did not exceed 25,000 people in the same period of time. The net migration of Venezuelans ranged between 23 and 153,786 people. The rapid increase in migratory flows of Venezuelans is one of the important factors generating changes in migration policies in Ecuador.

6.3.2 *Asylum Seekers Statistics*

In addition to overall migration trends, it is also important to understand the dynamics of how Colombians, Venezuelans, and others have accessed the refugee system to request asylum and receive recognition as refugees (or not), and how this process has changed over time. According to the Ministry of Foreign Affairs and Human Mobility, from 1989 to 2018, the asylum applications presented belonged mostly to Colombians. In October 2018 the statistics stated that 75.54% of the applications submitted from 1989 to 2018 were submitted by Colombians, 20.51% by Venezuelans and only 3.95% belonged to the rest of the countries. However, for 2019 these percentages changed dramatically. The history of applicants by country of origin revealed that in just 7 months, applications from Venezuelans had doubled

Table 6.1 Comparison: Percentage history of applicants disaggregated by country of origin (1989–Oct 2018) vs. History of applicants disaggregated by country of origin (1989–May 2019)

History of applicants disaggregated by country of origin (1989–Oct 2018)				History of applicants disaggregated by country of origin (1989–May 2019)		
Country	Colombia	Venezuela	Other	Colombia	Venezuela	Other
Percentage	75.54%	21.51%	3.95%	49.87%	47.74%	3.39%

Source: Ministerio de Relaciones Exteriores y Movilidad Humana (2018)

and continued to increase rapidly. On May 31, 2019 the Minister of Foreign Affairs published that Venezuela went from being responsible for 20.51% of applicants, to 46.74%. The rest of the countries were responsible for 3.39% of applicants, and Colombia continued leading the number of applications in 2019 with 49.87%. These statistics reflect the incredible speed with which migratory flows are changing in Ecuador. These numbers also reflect the needs of the people who are arriving in Ecuadorian territory. They express that protection is something that needs to be guaranteed (Table 6.1).

According to UNHCR, in its MIES-UNHCR protection monitoring report (May–August 2019), “Despite the increase in the number of applications, Venezuelans who request protection as refugees continue to represent a minority compared to the total number of Venezuelan citizens residing in Ecuador and who may be in need of international protection.” (United Nations High Commission for Refugees [UNHCR], 2019, p. 8) The situation becomes more complex, recognizing that not everyone who might deserve protection will request it, and not everyone who requests asylum will obtain it. The following graph represents in a more specific way the flow of requests submitted by Colombians and Venezuelans in the Ecuadorian territory during the key period between January 2018 and September 2019 (Fig. 6.2).

This graph represents the time period where the most relevant changes in the petitioners’ statistics occurred. During this time, the applications submitted by Venezuelan citizens since March 2018 double those submitted by Colombians. According to the Ministry of Foreign Affairs, this pattern is maintained from 2018 to 2021. The latest report published on February 1, 2021 indicates that the requests of Venezuelan citizens exceeded those of Colombians since 2018, where the first changes were evidenced. During these last 3 years the percentage exceeds the requests of Colombians for the first time. 57.3% of the requests were presented by Venezuelans. 38.8% of the requests correspond to Colombians and 4.7% represent requests from other countries in the world.

These numbers reflect the changes in asylum seeker rates by population over time, but it is equally important to distinguish and analyze the (much smaller) percentage of these asylum seekers who were ultimately recognized as refugees by the Ecuadorian state, and how this rate fluctuated over time and by population. The drastic increase in Venezuelan asylum applications compared to consistent numbers of Colombian applications highlighted above suggests both that a lack of alternative legal migration pathways may have pushed some Venezuelans toward the asylum system, and also that the Colombian peace deal has not eliminated the demand by

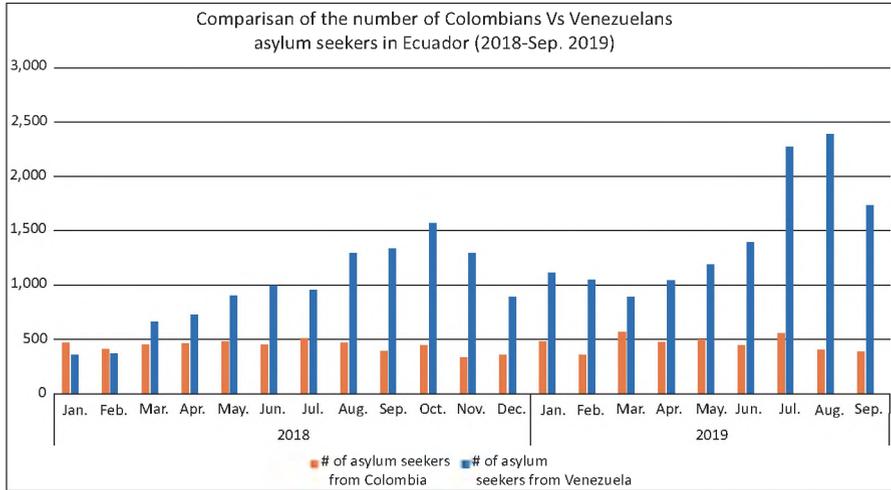


Fig. 6.2 Comparison of the number of Colombians Vs. Venezuelans asylum seekers in Ecuador (2018–Sep 2019). (Source: UNHCR. Ecuador: MIES-UNHCR protection monitoring (May–August, 2019))

Colombians for protection in Ecuador. The recent institutional system in Ecuador may have been a contributing factor to both problems.

As will be shown in the next section, the Ecuadorian government reduced refugee acceptance rates to much lower percentages than ever before, especially between 2014 and 2017 when fewer than 5% of asylum applications were approved (Pugh et al., 2020). This makes the situation more complex, since in the same period of time, migratory flows skyrocketed. By 2018, Ecuador faced a saturation of its current refugee system and decided to change its processes. Simultaneously, the Ecuadorian government tried to maintain a narrative that welcomes and protects migrants and refugees, while also implementing new, more strict regulations that made immigration more difficult. Specifically, these new conditions not only made entry more difficult, but also established more stringent requirements for staying in the country.

6.3.3 Refugee Statistics

Ecuador’s reputation as a welcoming receiving country for refugees has been well established over the past two decades. Ecuador’s constitution supports human mobility, and since 2008 prohibits discrimination based on nationality or immigration status. However, this graph shows the changes in refugee statistics that have been recognized from 1989 to January 2021. Statistics for the last few years clearly show a reduction in the number of people who received refugee status in Ecuador (Fig. 6.3).

HISTORY OF RECOGNIZED REFUGEES IN ECUADOR.
(1989-2021)

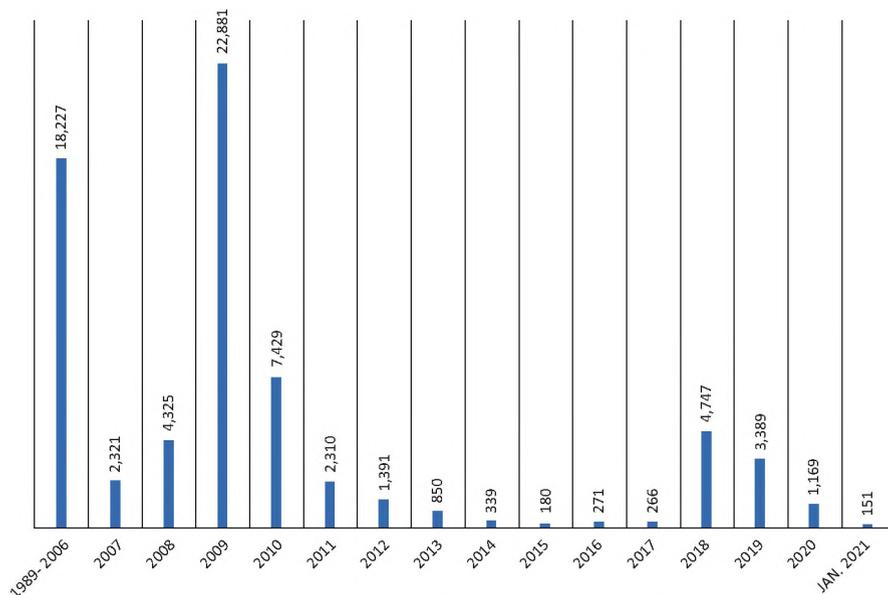


Fig. 6.3 History of recognized refugees in Ecuador by year. Period (1989–Jan 2021). (Source: Ministerio de Relaciones Exteriores y Movilidad Humana (2021))

From 2007 to 2010 there were a fairly high number of refugees in Ecuador. In 2009, thanks to the “Enhanced Registration” in only one year, more than 22,000 people were granted refugee status. However, after 2010, the number of refugees decreased significantly. In 6 years (2011–2017), 5607 refugee status were granted. In 2018, the number rose sharply, but decreased again as additional restrictions were imposed.

Comparing the data related to asylum seekers and refugees, the refugee statistics for 1989–2021 continue to show that 96.95% of the recognized refugees in Ecuador are Colombian, compared to 0.73% that are Venezuelan. This percentage makes it clear that the acceptance rate of Venezuelan petitioners has not moved with the same speed as the applications submitted. The following graph illustrates the number of refugees, asylum seekers and the acceptance rate between 2000 and 2019, highlighting in stark relief the miniscule number of asylum claims that were approved over much of the past decade. This shows that the variation in the number of refugees receiving recognition does not only vary by nationality, but changes over time as political incentives, governmental practices, and migration discourses shift (Fig. 6.4).

Refugee status has been increasingly supplanted by other types of visas that lack the regime of international protections and obligations provided by the refugee regime, especially as new populations enter that have more complex origins that do

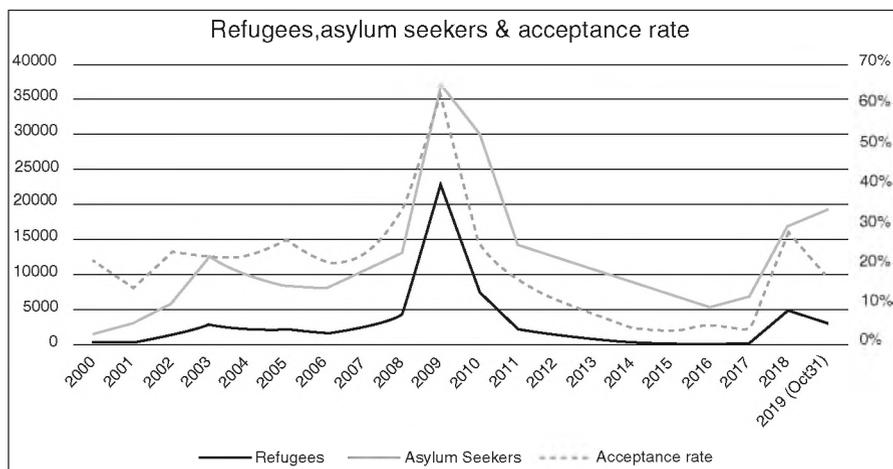


Fig. 6.4 Number of refugees and Asylum seekers, and Acceptance Rate, 2000–19. (Source: Ministerio de Relaciones Exteriores y Movilidad Humana (2019a, b))

not necessarily fit neatly within the criteria of the 1951 Refugee Convention. Because the rapid increase in Venezuelan migration has reshaped the political context and migration policy in Ecuador, the next section examines the legal and institutional responses of the Ecuadorian state to this influx, and the ways that the existing Colombian population has also been affected.

6.3.4 *Changes in Ecuador with the Introduction of a New Visa for Venezuelans*

The visa system in Ecuador has changed rapidly in the past few years after the massive arrival of Venezuelans. In the face of record arrivals from that country, Ecuador implemented additional border entry controls and changed its visa system. In 2019, “Executive Decree 826 stipulated that Venezuelan citizens must present a visa upon entry to the country as of August 26, 2019.” (Ministerio de Gobierno, 2019) The same decree introduces the possibility of acquiring humanitarian visas for Venezuelans who entered the country irregularly until July 26, 2019. This amnesty measure regularized 38,243 Venezuelan citizens from August 26, 2019 to August 13, 2020, through the temporary VERHU humanitarian visa. During 2020, the official website of the Ministry of Foreign Affairs implemented additional divisions for temporary visas and removed others like the VERHU to create a temporary visa modification to try to accommodate the needs of the Venezuelan population.

By the beginning of 2020, Ecuador had stipulated three types of visas for which Venezuelans could apply: temporary visas, temporary visas with international protection, and permanent resident visas. More than 47,000 Venezuelans were able to

process visas in 2020 to stay in Ecuador even though the requirements were quite strict, and the processing fees could exceed \$400 dollars per person. 72.46% of the visas issued overall from January to September 2020 were issued to Venezuelans. The temporary visas did not effectively consider the needs and characteristics of the Venezuelan migrant population. In the first months of 2020, the Ministry of Foreign Affairs was mostly issuing *temporary visitor* visas. However, this changed drastically throughout the year with the addition of *temporary resident visas*, in order to respond “more effectively” to the complex needs with which Venezuelan migrants arrive in Ecuador and to recognize the reality that they were not mere visitors. However, the measures implemented by the visa system to stay in Ecuador were criticized by the Venezuelan organizations in Ecuador, who argued that as a consequence COVID-19, they had lost their jobs and could not pay the \$50 dollars processing fee of the humanitarian visa. With the elimination of the humanitarian visa, access to a visa was even more difficult. However, the humanitarian visa was the most economical option for migrants seeking regularization.

Analyzing the statistics of migratory flows and the changes in the visa system over time as the preceding sections have done reveals a story, and when matched with shifts in the political environment and the discourses that define collective understandings of migration, this analysis provides additional evidence of the policy and institutional effects of political and discursive negotiation. Statistics act as puzzle pieces, linking the parts of a reality that is experienced in a context. Each number that was coded in this analysis includes individual stories that narrate the difficulties with which these migrants arrived and stayed in Ecuador. In reality, these numbers transcend and can reveal the modification of immigration laws and therefore impact the lives of all migrants and refugees arriving in a country like Ecuador.

6.4 Ambiguous Protections, Contested Discourses, and the Social Construction of Mobility in Ecuador

Despite Ecuador’s reputation as a welcoming receiving country for refugees and international migrants, these populations have faced, in general, different challenges along their migration journeys into the country, involving barriers related to entrance, documentation, permanence conditions, access to rights and services, and social and economic integration (Álvarez Velasco, 2020; Eguiguren, *in press*; Pugh, 2021; Ortega & Ospina, 2012; United Nations, 2017). Over the last 15 years a number of overlapping and interacting factors have shaped migrants’ and refugees’ experiences as well as institutional and social arrangements to provide them with protection and rights as guaranteed in the 2008 Constitution. Internal dynamics—such as electoral campaigns, divergent political perspectives regarding free movement, and modifications to the governance of the migration and refugee systems—and external factors related to the Colombian conflict and peace processes, the

Venezuelan migration influx that has intensified since 2015, and regional and global migration dynamics have all impacted migrants' and refugees' lives in Ecuador. Concurrently, discourses and frameworks about migration and migrants' rights have morphed according to these internal and external dynamics and events. As other scholars have also pointed out (Eguiguren, *in press*), the human rights and the security frameworks have coexisted even in times of the most progressive discourses on human mobility in the country (Pugh, 2017).

Based on duality and ambiguity, the purpose of this section is twofold. Through an analysis of some government and humanitarian institutions' voices and public opinion collected from media discourses (newspaper articles, online news videos, and tweets) focused on migration in Ecuador—especially of Colombians and Venezuelans—we illustrate, first, how the asylum and refugee processes carrying international protections have been de-emphasized over time while “human mobility” and migration have been emphasized (Sajjad, 2018). This has reinforced greater control by the Ecuadorian state in a move to advance the protection of the country rather than the refugees and immigrants. Second, we argue that domestic political and electoral incentives have driven both the emphasis on migration/universal citizenship (enfranchisement of Ecuadorian emigrants abroad) and the shift in policy implementation beneath the rhetorical shell (responding to backlash against refugees and ties with criminality). Part of this change has involved shifting power dynamics and competing normative discourses between UNHCR and other international organizations on the one hand and the Ecuadorian state on the other. These two processes show, in general, how migration has been a key site for the (re)construction and negotiation of protection, solidarity, and securitization measures. Although we have separated these arguments for the purpose of our analysis, both of them overlap as the internal and external dynamics and the narratives about migration, migrants, and refugees are all interrelated.

6.4.1 Shifting the Referent: From Protecting Migrants to Protecting the Territorial State

Discourses about migration are not only narratives about the topic but also “a constituent part of migration as a phenomenon” (Van Dijk, 2018, p. 230). In this sense, the voices of different government actors, United Nations agencies, and local humanitarian actors also shape migration itself since they are a “form of social and political (inter)action” (Ibid.). While it is possible to find various references in the news from the Ecuadorian government and UNHCR representatives saying that Ecuador has opened its doors to receive the greatest number of refugees in the region, these headlines are also often accompanied by contents about in/security issues involving immigrants and refugees and their countries of origin, border control, human trafficking, stricter documentation and visa requirements for entry and permanence, and deportation. Reported cases of refugees and immigrants involved

in felonies and a high and unexpected influx of foreigners have served as the basis for arguments favoring increased security measures by the state. In the framing of these stories, Ecuador, its citizens, and its borders, are the ones to be protected since the refugee system, the migration law, and the principle of free movement have been taken advantage of in order to generate a feeling of insecurity and chaos, not only in the country but in the region.

A series of events have led to a weakening of protective measures toward immigrants and refugees in the country and the intensification of security actions. As an example, in 2010, under a combined narrative of protection and security, the country of free movement started to impose visas on citizens from certain countries such as Afghanistan, Cuba, Ethiopia, Kenya, Nigeria, and Somalia, among a few others. In a news article about this issue (*Inter Press Service*, 2020), this decision was justified under the argument of an “unusual migratory flux” from such countries which was indicative of human trafficking, according to the Subsecretary of Migration cited in the report. However, in this same piece, the reporter also suggested that the United States might have been putting some pressure on Ecuador since it was thought that citizens of Africa and the Middle East countries arriving in Ecuador were in transit to the U.S (Álvarez Velasco, 2020). Additionally, according to this same report, another representative of the Ministry of Foreign Affairs argued that, “Among the hundreds of foreigners getting married with Ecuadorians [...] there are some looking to get an Ecuadorian passport to move around easier [...]” These people, among them “illegal” Colombians, Cubans, Pakistanis, and Chinese citizens, were presenting “adulterated documents” to justify *de facto* unions and marriages, according to the report. As a result, added the author of the article, “the Ecuadorian government announced the suspension of naturalization rights to the foreigners involved in the falsification of documents” and the implementation of surveillance strategies involving the Ministry of Foreign Affairs and the Civil Registry to prevent new fraudulent acts. These cases, representative of foreigners/people deceiving the state or committing fraud, were then brought to the front as justifications for the implementation of broader protective measures in favor of the State.

As a contrast with the times when asylum seekers and people in refugee-like situations were broadly supported by the refugee regime, a news report that appeared in *El Comercio* entitled “These are the types of visas Venezuelan citizens can apply to in Ecuador” (2018) highlighted the “unusual” influx of immigrants into the country arriving from Colombia and the different pathways to regularization of immigrants. Like many news reports that cite the origin and numbers of immigrants or refugees entering or living in the country, this piece stressed that 3000 Venezuelans entered in one day. Citing the number of immigrants or refugees or showing images of massive numbers of people entering the country or gathering in public spaces is a quantification strategy, replacing human stories with aggregate numbers (Van Dijk, 2018) that suggest that the country does not have control of its borders or is overwhelmed by the “unusual” numbers of immigrants (Van Dijk, 2018). Such images also serve to justify the country’s need of protection, the connection of migration with crime, and the implementation of securitization measures, such as the

militarization of borders with the aim to “avoid the entrance of foreigners who might be carrying arms, munition, explosives,” as a colonel patrolling the northern border with Colombia has recently affirmed (*El Comercio*, 2021a). The quantification strategy also serves to reinforce the idea of the generosity of the country and how much the Ecuadorian government and other institutions have done for refugees and immigrants, an imaginary that is also reinforced through the emphasis on the unique actions implemented by the government as the official voices in the referred news report highlighted.

This latter argument, the “generosity” and solidarity of the Ecuadorian state actually de-emphasizes the international human rights regime and the binding obligations of the refugee regime, both of which would provide refugees an inherent right to claim protection and basic services rather than relying on the good will of the host state as a “savior.” Instead, there has been a steady increase in both state-building policies and narratives prioritizing state autonomous decision-making rather than adherence to the international refugee regime or application of human rights frames that would leave the locus of interpretation and enforcement within international institutions (Pugh, 2021; Pugh & Moya, 2020).

Restrictions to access to the refugee system, pathways to regularization, rights, security, order, and chaos also emerge as overlapping topics in news reports. The vice minister of Human Mobility cited in this same news report and the embedded videoclip (*El Comercio*, 2018) emphasized that the Constitution grants “foreign persons in the Ecuadorian territory the same rights and duties as Ecuadorians” [emphasis added by the authors]. Although the vice minister deprived foreign persons of any agency by not attributing them an action verb in his sentence such as living, visiting, or arriving, he emphasized that they have access to health, education, and “almost everything as Ecuadorian citizens have access to.” He highlighted that the government “has to follow the line of protection of human rights according to the security of the country” and that “unless the Constitution changes, this is something that cannot change.” He also noticed that “*refugio* is not a type of visa but an institution” and that the Venezuelans who do not meet the requirements to apply for the refugee status might apply for a Unasur visa, a “unique type of visa in the world,” “a thing really exceptional and extraordinary,” and the maximum effort that the country can afford to support Venezuelans since this document is provided without the need to demonstrate a period of residency or tourism in the country. Although he also recognized that access to this visa is limited for some Venezuelans due to its cost, he argued that “making it cheaper does not only depend on the *Cancillería*, but it is a topic to coordinate with other institutions such as the *Mesa Nacional de Movilidad Humana* and the Ministry of Interior,” which is in charge of the security issues in the country.

According to the vice minister, coordinating with other national institutions “with competencies on migration issues”—despite the Ministry of Foreign Affairs and Human Mobility being the lead agency for migration policy in the country—, listening to the Ecuadorian population, and considering the national interests are also priorities in the context of “unusual” flows of immigrants. The vice minister also asserted that not implementing requirements for the entrance

would imply that the institution he represents “is not meeting its duty of regulating migration flows.” Implicitly he recognized that both the current requirements and the economic barriers to access a visa help to regulate and control the number of immigrants accessing the country by asserting that “we are interested in having an orderly migration” since “the worst thing that might happen to Ecuador is having a kind of *migratory chaos and that it is not known what happens with the citizens entering the country.*”

Lastly, in the context of commenting on the rights of refugees and immigrants, the vice minister also stressed that among the state’s “tremendous efforts, they have the responsibility to listen to the Ecuadorian population and to find a balance amidst this difficult situation that Ecuador is going through in terms of the influx of Venezuelan citizens, while emphasizing the wellbeing of the Ecuadorian population and the rights and wellbeing of the foreigners living in and entering to the country.” Once again, protection, human rights, and security are mixed among the arguments to support an orderly migration. More importantly, the vice minister’s perspective suggests that not only national security, but public opinion has the power to influence decision making concerning human mobility principles and rights granted to immigrants and refugees through the national Constitution. However, what the vice minister seems to forget is that the constitution that grants rights and protection to immigrants and refugees was ratified by 70% of the population back in 2008 (Pugh, 2017).

The ambiguity of this contemporary state discourse actually traces a line of continuity from the latter part of the previous president Correa administration, undermining superficial analyses that claim that the primary change in migration policy was between the open Correa administration and the nationalistic Moreno one. In contrast to this argument, president Correa in 2010 was already previewing the same ambiguous mixed messages later showcased by the current vice minister’s narrative. In response to criticism from political opponents in the National Assembly, Correa argued, “It is absurd to claim that because of our policy of free human mobility and planetary citizenship, insecurity has increased... However, we are doing a very careful study to see if there is any relationship between the entrance of citizens of certain countries and the increase in insecurity. If this hypothesis is verified, you can rest assured that we will make any changes and take any measures that are necessary. We have our priorities clearly in mind, and the primary one is the welfare and security of the Ecuadorian people. We cannot fall into romanticism. I repeat, if it is necessary to harden our immigration policy, that is what we will do” (Correa, 2010). Like the vice-minister’s language quoted above, Correa also cited public opinion, prioritizing majoritarian Ecuadorian citizen opinions/interests over human rights protections, and relied more on solidarity/generosity messages than on rights messages to justify his open migration policies (providing him the flexibility to change the policies as political/electoral incentives shifted, which indeed happened as he issued a restrictivist Decree 1182 in 2012 making it much more difficult to receive asylum status).

The impacts of these two forces, national security and public opinion, are significant since they have the power not only to influence but also justify government

decisions and actions such as the militarization of the borders to control migration flows, reduction of refugee acceptance rates, or to increase mechanisms for deportations, as introduced in the latest modifications to the Organic Law of Human Mobility in 2021. The vice minister's argument of considering public opinion in decision making processes and migration issues is also relevant in a context of "intolerance, xenophobia, and aporophobia, which stigmatize and criminalize people in migration situations" as the Ombuds offices of Colombia, Ecuador, and Peru recently denounced (*El Comercio*, 2021b). Nonetheless, xenophobia, discrimination, and limited economic and social inclusion opportunities are not recent problems, since Colombian refugees were discriminated against in general since their arrival to the country as has been analyzed by scholars and described in different news reports (Ortega & Ospina 2012; Sánchez Bautista, 2013; Santacruz Benavides, 2013; Ripoll & Navas-Alemán, 2018; Romo-Pérez, 2020; *La Hora*, 2003; *Plan V*, 2019). However, since their need for international protection seemed to have diminished in the context of the 2016 Colombian peace agreement and their situation has increasingly become more invisible due to the recent flows of Venezuelans (Pugh et al., 2020), the impacts of the more recent security measures on their access to the country and to asylum and protection are not usually commented on in the public media consulted. In addition to the ambiguities between discourses of sovereignty/public opinion vs. international rights protection described in the preceding section, we turn now to a brief examination of the ways in which expectations of political invisibility and gratitude that are often embedded in dominant state narratives serve to undermine migrant agency and delegitimize the participation of migrants (both refugees or economic migrants) in decisions that directly affect their lives.

6.4.2 Political Invisibility, Expectations of Gratitude, and Migrant Agency

Whereas news reports citing the UNHCR and the national government usually follow a narrative that highlights individual stories of refugees' struggles in their country of origin, resilience, and relative economic 'stability' in Ecuador, migrants of all kinds are challenged with discrimination and insecurity in Ecuador, especially in the face of expectations of depoliticization that can demand their submissiveness rather than activism in the face of hardship or injustice (Gómez Martín & Malo, 2019; Pugh, 2021). One refugee asserted such a phenomenon in a video report by *teleSUR* (*teleSUR*, 2019) while camping in front of the UNHCR office in Quito in 2019. On this occasion, a group of Colombian refugees and asylum seekers camped in front of the UNHCR offices in Quito demanding protection and resettlement to a third country in Europe since, according to the refugee families, they were being persecuted in Ecuador by the groups that forced them to flee Colombia. In a news report by *El Comercio* (2019a) a press release from the UNHCR in Quito is cited, presenting the institution as providing all the possible means for refugees to feel safe, such as reviewing their cases and supporting their local "reintegration," but

arguing that resettlement does not depend on the UNHCR but on receiving countries' governments who determine, as an "act of solidarity," how many refugees they can admit.

Since refugees were arguing that they were being persecuted in Ecuador, they did not accept the option of local integration, which was already limited for them. The report cited the UNHCR saying that they [UNCHR] "regret that, despite *all their efforts* to support the Colombian families, *only two of them had accepted their help.*" While the messages of protection and support from the UNHCR were emphasized and the argument of third countries as the decision makers regarding access to resettlement justified the inaction of the UNHCR, Colombians were represented as rejecting the "help" of the agency, which suggests that Colombians really did not want to be helped. This reinforces what Caroline Moulin (2012) describes as a 'logic of gratitude' that is often wielded against refugees and asylum seekers who engage in political contestation or claim rights in ways that are portrayed as presumptuous. In the same report a tweet from UNHCR Ecuador is cited, which reiterated the institution's commitment to support refugees and find solutions to "the families that *occupied the public space outside of their offices in Quito.*" After the UNHCR press release, the Colombian families were forcibly removed from the public space in front of the UNHCR offices by the police.

The response of the UNHCR and the local Ecuadorian government in this case was limited to provide temporary shelter to the families in order to remove them from the public space. This "operation was supported by the National Police and the local municipality as part of its Social Plan" (*El Comercio*, 2019b). Other institutions, such as the local Red Cross, donated sanitary kits, and others organized food donations, as affirmed in the same news report. Interestingly, the word *operativo* implies an action by the police in the context of crime or a security action involving armed forces against a threat, consistent with the securitizing narratives mentioned earlier. Nonetheless, the responses by the institutions correspond to traditional emergency and humanitarian actions to provide temporary relief. They do not offer, however, permanent solutions to Colombians' protracted forced displacement and their lack of human security conditions in their country of asylum. As it is common in many news reports, the pieces by *El Comercio* (2019a, b) closed citing that Ecuador is the major recipient of refugees in Latin America, while avoiding questioning the removal of the families from the public space and the potential indifference (Margheritis, 2013) of the limited answers provided by the UNHCR office and the Ecuadorian government to meet their commitments to protect the refugee population and offer them suitable permanent solutions.

Analyzed in a broader context that considers the difficulties some Colombian refugees face regarding local integration, the impossibility of their return to Colombia even after the 2016 peace agreement, and the lack of institutional support and international solidarity to resettle refugees in third countries, the limited responses provided by the UNHCR office and the Ecuadorian national and local governments to the claims of Colombian refugees in 2019 suggest a debilitated and limited refugee system in urgent need of restructuring so that it is able to guarantee refugees' rights and offer real suitable solutions to their protection needs.

This example shows that the consequences of ambivalent discourses and contradictions in the institutional reception systems may have especially dire consequences for Colombian refugees and forced migrants whose exclusion from spaces of participation—or even from safe spaces to exist—could lead to a precarity that carries life-or-death consequences. When their exclusion or neglect is justified by their ‘inappropriate’ political activism or their failure to show sufficient gratitude, the formal protections guaranteed by international law and the regime of protection may not distinguish them as clearly from other migrants in the discrimination they experience. While Venezuelan migrants also reported in interviews with the authors feeling pressure not to participate in political activism and a fear of being labeled with discourses of ‘troublemaker’ and ‘criminal’ if they did so, they seemed more willing to organize collectively than Colombians, and to insert their collective voice via organizational representatives into media narratives.

6.5 Conclusion

This chapter has explored the complex intersections among migration flows, migration law, and the discourses that domestic state and non-state actors promote to try to shape the collective understanding of migration, including the manipulation and shaping of the boundaries of the refugee system and the way it is experienced in practice. By examining the case of Ecuador, the largest recipient of refugees and asylum seekers in Latin America and a country that has maintained a welcoming reputation while simultaneously and gradually hollowing the content of its protections for refugees and practices of integration, we hope to have exposed the complications and ambiguities shaping migrant reception and the negotiation of law and state institutions to demarcate and cope with different categories of foreign persons coming into the country. The juxtaposition of the evolution of laws and policies with the political incentives and narratives promoted by the state and by non-state actors illustrates a dynamic tension that seeks to ultimately manipulate the quantity and composition of migration flows into the country. Ecuador’s experience can shed light in understanding other receiving countries in Latin America and the Global South that grapple with sudden influxes of migrants and which seek to balance a desire for an international reputation of solidarity with responding to domestic political constraints and incentives for more restrictive approaches.

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