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ECUADOR

CONVENIO BINACIONAL VIAL
Integración Ecuador y Colombia

PUENTE
INTERNACIONAL
RUMICHACA

VENEZUELAN REFUGEES: The Ecuador/ Colombia Border

Findings and
Recommendations



OVERVIEW

USCRI HISTORY IN REGION

The U.S. Committee for Refugees and Immigrants (USCRI) has worked since 1911 to protect the rights and address the needs of persons in forced or voluntary migration worldwide and support their transition to a dignified life. For nearly 50 years USCRI has developed and published reports, country updates, statistical tables and most importantly, the World Refugee Survey. USCRI continued its tradition of providing on-the-ground information about displacement, in its 2015 report, *Forgotten Refugees: Eritrean Children in Northern Ethiopia*.¹

In our 2008 World Refugee Survey, we reported on the Colombian refugee crisis that forced 500,000 Colombians to seek refuge in Ecuador with nearly half in need of international protection² and that Venezuela hosted 252,000 refugees and asylum seekers.³ The exodus of Venezuelans is the largest displacement of persons in Latin America in recent history and we saw the need to learn more about it.



Figure 1 Venezuelans entering Ecuador from Colombia.

SCOPE OF MISSION

USCRI visited Ecuador in December 2018 with a goal to observe protection risks facing Venezuelans and better understand the strategies being implemented to address these risks. The trip included a two-day visit to the Rumichaca border between Colombia and Ecuador. At the border, USCRI spoke to Venezuelans in-transit as well as those receiving assistance from civil society organizations in the nearby city of Tulcán. USCRI interviewed various civil society organizations and volunteers aiding Venezuelans.⁴

We are grateful for the time spent with staff from civil society service agencies and the United Nations High Commissioner for Refugees (UNHCR) in Quito and Tulcán, the United Nations International Children's Emergency Fund (UNICEF) the International Office of Migration (IOM) and various Ecuadorian government officials during this mission.

SUMMARY OF RECOMMENDATIONS

1. Increase funding to support direct emergency assistance to the government of Ecuador as well as civil society and international organizations.
2. Support U.S. resettlement of *vulnerable* Venezuelans like; children, women at risk, including pregnant and lactating women, elderly and sexual gender-based violence (SGBV) survivors.
3. Increase support for Ecuador in protecting and providing specialized services for unaccompanied minors and victims of human trafficking.
4. Continue support for Colombian refugees in Ecuador with resettlement and funding for direct emergency assistance.
5. Provide Temporary Protected Status to protect Venezuelan nationals from being returned to those countries if they are not able to return in safety.

BACKGROUND

3.4 million Venezuelans have left their country since 2014. They are escaping hunger, lack of access to medical care, insecurity, and oppression. The majority are fleeing to countries in Latin America and the Caribbean. It is estimated that in 2018 an average of 5,000 people left Venezuela every day.⁵ The Bolivarian Republic of Venezuela has historically been a country that offered refuge to displaced persons in the region. Chileans fleeing Pinochet's dictatorship and Colombians fleeing civil war found safety in Venezuela.

The crisis in Venezuela is the result of various factors: politics, violence, impunity, corruption, internal economics and the imposition of international embargos that cut off the currency needed to pay for imports of food and medicine. Inflation has left many Venezuelans unable to afford the most basic items of food and toiletries. Thousands living near the border cross into Colombia daily looking for medication and food to bring back to Venezuela, while others leave the country for good.⁶ At least one million Venezuelans



Figure 2 IOM April 2018

have permanently relocated to Colombia. Venezuela's inflation rate continues to rise and according to predictions by the International Monetary Fund, in 2019 Venezuela's inflation rate will reach 10 million percent.⁷ Embargos can make economic recovery nearly impossible, since the government cannot borrow or restructure its foreign debt, and import transactions, including for medicines.

Ecuador is a country of both transit and destination for those forced to leave Venezuela. USCRI learned that among those who entered the country regularly in 2018, an estimated eighty percent were in transit to Peru or other countries. The remaining twenty percent are living in Ecuador. The number of Venezuelans choosing to stay in Ecuador is fluid as the laws in neighboring countries are tightened for admission and access to legal humanitarian protection.

One concern that civil society and international organizations shared with USCRI is the reality that Ecuador is continuing to receive Colombians fleeing the violence caused by newly forming criminal networks. Violence and threats, have forced some Colombians to flee and seek refuge in neighboring countries, including Ecuador.

USCRI spoke to a Venezuelan woman and her thirteen-year-old daughter at the border. She said she left Venezuela because **her full salary with a government agency was not enough to feed her family**. She became emotional when asked if she had other children, because she had left three older children in Venezuela.

Her goal was to travel to Peru, work to earn money, and then send for her remaining children to join her.

THE ECUADORIAN RESPONSE

“In Ecuador there is full protection of all the people that are inside our territory. Ecuador is experiencing economic difficulties and will be spending \$550 million to serve our Venezuelan brothers and sisters, because it is humane, just and Constitutional.”

-Lenin Moreno, President of Ecuador⁸

The government of Ecuador reported that 956,067 Venezuelans were admitted to Ecuador in 2018. In 2017, the number of Venezuelans arriving was much lower at 287,972 persons.⁹ An estimated 250,000 Venezuelans currently live in Ecuador.¹⁰ Arrivals are ranging from 2,000 - 5,000 daily.¹¹

Since 2015 Ecuador has admitted around 1.4 million Venezuelans.¹² The population of Ecuador is 16.62 million, making the number of Venezuelans admitted equivalent to about 9% of the total population. It is estimated that by the end of 2019, 506,000 refugees and migrants from Venezuela will be in Ecuador and 413,000 of those will need assistance.¹³ As Ecuador hosts a growing number of refugees and migrants, and with their own economy in recession, the need for additional support is clear.¹⁴



Migration policy in Ecuador is based on a human rights framework. **The Ecuadorian Constitution (2008)** incorporated principles including universal citizenship and the right of mobility. It assigns the portability of human rights regardless of a person's immigration status by not criminalizing legal status and **guaranteeing the same rights to all foreigners as nationals**. For example, anyone inside the territory, regardless of legal status, has the right to free education and healthcare.

Our visit revealed the efforts undertaken by the government of Ecuador to improve its capacity to aid and assist Venezuelans. Significant steps include: increasing the number of processing service windows and staff at the border; expanding hours of operation to process arrivals; the enrollment of 12,000 Venezuelan students in school and the provision of medical care to 800,000 Venezuelans.¹⁵ USCRI learned in a meeting with the government of Ecuador, that beginning January 28, 2019 a new electronic visa system will be in place to help streamline and expedite the process for all migrants at the borders.

USCRI observed the network of agencies providing services to Venezuelans and Colombians at the Rumichaca border crossing. Civil society organizations are providing emergency humanitarian assistance in the form of cash to exceptionally vulnerable individuals including: single parents; minors; families with children under age five; people with chronic illnesses and the differently abled.

Improvements in processing and provision of services and protection to Venezuelans are strong but challenges remain that leave some individuals vulnerable.

Access to legal protections

USCRI was informed that Venezuelans arriving in Ecuador, can obtain a temporary tourist visa, which does not grant the right to work, for 180 days and then apply for either a residence visa, or asylum. USCRI heard from many organizations that Venezuelans face major hurdles in obtaining visas. One hurdle Venezuelans is that increasingly Venezuelans arriving to Ecuador do not have passports and obtaining identifying documents from the government of Venezuela is difficult. Inside and outside of Venezuela, there are significant delays in getting these documents. USCRI was told that Venezuelan government officials often blames the lack of supplies like paper and stamps for the delay in processing document requests. As conditions within Venezuela deteriorate, it is increasingly difficult to meet the requirements for these visas and many of the agencies serving Venezuelans say the current pathways for legal status in Ecuador are not viable options for the protection needs of the population. Venezuelans in Ecuador attempting to obtain documents face an increasingly complicated task, since the Venezuelan Ambassador was expelled from Ecuador after making public comments against the Ecuadorian president.¹⁶



Figure 3 The Ecuadorian migration office at the Rumichaca border.

The most commonly obtained residence visa by Venezuelans costs \$250 dollars.¹⁷ Organizations shared with USCRI that this fee constitutes a significant barrier for many Venezuelans, who were forced to leave Venezuela on short notice and/or because of a lack of resources adequate to purchase even basic food. If a Venezuelan has a tourist visa, it does not include work authorization which impedes people from making a living and saving to pay for the residence visa application. If a residence visa is secured, it must be renewed every two years and expired visas carry a fine of \$200.

Asylum is another option for Venezuelans in Ecuador. Ecuador ratified the 1951 Convention on the Status of Refugees in 1958 and its Additional Protocol of 1967, in 1969. However, the Ecuadorian asylum system is saturated. It was initially created to process about 5,000 to 6,000 claims a year.¹⁸ Ecuador has received 13,535 asylum applications.¹⁹ This number is low when compared to the 1.4 million admitted, and USCRI learned it is due to, in part, the challenges facing Venezuelans in accessing their identifying documentation. At the Rumichaca border, USCRI saw agencies working diligently to provide information to Venezuelans about their legal rights to asylum.

In 2017, the Ecuadorian Law for Human Mobility updated the framework for the regularization of the status of immigrants, migrants, refugees, asylum seekers, stateless persons and victims of trafficking and human smuggling. Importantly, within the law the government of Ecuador acknowledged the need to simplify the process for foreigners to secure regular status.²⁰ This law is an important accomplishment in protecting displaced persons, however implementation is still a challenge, as is evident by the high number of Venezuelans living in Ecuador with an irregular status.

Being in irregular status exposes people to increased protection risks, especially in border areas with heightened security concerns. Individuals can be susceptible to forced recruitment by illegal armed groups or criminal gangs, including child recruitment, human trafficking and other forms of exploitation and abuse.

* USCRI uses the term *irregular migrant*, to mean anyone who lacks legal status in a transit or host country. The term *illegal migrant* is discouraged by the International Office on Migration because it carries a criminal connotation. *

Unaccompanied and separated minors

Minors in all humanitarian situations are considered exceptionally vulnerable, especially when they are unaccompanied. Children face serious protection risks for exploitation and abuse. USCRI learned that many unaccompanied Venezuelan children, like most adults, are traveling through Ecuador hoping to reunify with family in neighboring countries.

USCRI was informed that an even greater number of children do not have identifying documents. An example of the seriousness of this challenge is that USCRI learned of families in which parents were able to obtain visas in Ecuador, but because their children did not have identifying documents, the children were not. Therefore, the children were living in Ecuador with an irregular status. USCRI is an agency that has served unaccompanied immigrant children for over a decade, and collaboration with governments in the identification of minors, documentation and locating family members has been imperative. This is a significant difference for the Venezuelan minors.

USCRI was concerned to learn of the lack of an effective child protection system in Ecuador for unaccompanied immigrant minors. There is no children's shelter in Tulcán, which leaves children with few options for a place to sleep. At the time of the visit USCRI learned of two options for unaccompanied minors, temporary tents at the Rumichaca border, or if they were lucky, a service agency would pay for a hotel for the minor. Space at hotels is limited as are the resources to pay for them.

USCRI recognizes the need for child protection agencies at the local level to help address the ongoing safety needs of unaccompanied immigrant minors. It is imperative to have staff that are trained to serve the specialized needs of children. For example, USCRI works closely with government officials and agencies, to ensure the provision of wrap-around services for children and to ensure their basic needs are met.

At the time of the visit, USCRI learned of a protocol that was developed for handling the cases of unaccompanied minors. Since then, the protocol has been made public and it details interview guidelines so that referrals for children may be made appropriately. Lack of status will also not prevent a minor from access to legal and other protections. It is a promising first step, but much more needs to be done to ensure children are protected.

Trafficking

As an agency that serves foreign-national trafficking survivors in the U.S., USCRI took interest in the protections available for victims and survivors of human trafficking. USCRI inquired about programs or systems that were in place. USCRI was informed that lack of access to legal status, for the reasons stated above, has left many desperate Venezuelans vulnerable to human trafficking, especially women. In every meeting the issue of survival sex, the exchange of one's body for basic subsistence needs, including clothing, food, and shelter, was mentioned as serious concern. Lack of access to basic needs has left many desperate and vulnerable to human trafficking and exploitation.

Protecting trafficking victims is codified in the 2006 "National Plan to combat human trafficking, illegal trafficking of migrants, sexual exploitation, labor and other exploitation, child pornography and corruption of minors," and chapter VI of the Organic Law on Human Mobility.²¹ Despite these laws, there is virtually no prosecution of trafficking cases. The government officials do not have the training and capacity to do this and political will may be lacking. Sex work is legal in Ecuador and USCRI that can make it challenging to investigate where places where sex is being sold. According to the U.S. State Department 2018 Trafficking in Persons Report, the government of Ecuador reports that specialized services for victims of trafficking remained unavailable in most of the country.²² Funding for shelters for these victims has been decreased by the government.

Colombian Refugees



Figure 4 Colombian side of the Rumichaca border.

Historically, the government of Ecuador accepted the highest number of Colombian refugees of any country. In the border area alone, 60,000 Colombian refugees have been legally recognized by the Ecuadorian government.²³ The civil society organizations that served these refugees report that parts of the southern border in Colombia were not adequately monitored by the Colombian government and this weakness was exploited by the Fuerzas Armadas Revolucionarias de Colombia (FARC), a powerful guerilla movement.

The needs of Colombian refugees were a concern raised by all civil society organizations and government representatives we met during this mission. Colombians are still in need of protection and agencies shared their concern that aid for Colombian refugees has been prematurely withdrawn because

of the signing of the peace and disarmament agreements with FARC. While this should have meant peace and an end to displacement in the region, there continue to be cases of Colombian refugees fleeing the violence caused by newly emerging criminal actors fighting for control of territories important in the cultivation, processing, and transporting of illegal products in the area.

Agencies reported to USCRI cases of Colombian refugees who had been resettled near the Colombian-Ecuadorian border, who were forced to flee from the region due to violence and threats they were receiving. Civil society organizations were working to find a way to serve Colombian refugees who were already resettled and had exhausted their aid but were now in need of assistance yet again.

The armed conflict in Colombia is the longest-running domestic conflict in the western hemisphere. Decades of longstanding conflict cannot be undone simply by the signing of peace agreements. This situation has led to increased levels of uncertainty and anxiety among many Colombians.²⁴ Time and resources for assisting Colombians still in need of protection must be allocated.

Direct Emergency Assistance

During the visit to the Rumichaca border, organizations shared that in addition to the support of the Ecuadorian and other regional governments, agencies including UNHCR, IOM and UNICEF have also expanded their presence and service provision. At the Rumichaca border, Venezuelan refugees and migrants may access supplies including: sunblock, clean water kits, backpacks, reusable water bottles, waterproof ponchos and hats, hygiene kits, internet service to contact family, bathrooms and showers. One local church group feeds 200 people/day. This group has 12 volunteers and just two paid staff members.



Figure 5 A mother with her 4 children waiting for lunch at a local church in Tulcán.

UNICEF helps identify vulnerable families with children and supports them with temporary accommodation while they complete migratory entry procedures. For example, there are tents on the Colombian side of the border to provide children and lactating mothers with safe and private spaces. UNICEF has also installed tents to temporarily host vulnerable families crossing into Ecuador. Families can receive blankets, hygiene supplies for babies and cash transfers. UNICEF is establishing temporary learning spaces for refugee and migrant children across the region as well as supporting protection and counseling services.

USCRI also observed how Venezuelan families lined up to receive complimentary vaccines at the Rumichaca border. With a lack of adequate healthcare in Venezuela, the risk of disease outbreaks rises and therefore this service is imperative not only to protect the children receiving the vaccinations but in preventing outbreaks within Ecuador.²⁵

The International Office on Migration (IOM) in Ecuador shared with USCRI that it has been working to track the needs and characteristics of refugees and migrants from Venezuela. IOM helps secure transfers for Venezuelans who are particularly vulnerable to be reunited with their families, usually in Peru.

Overall, the mission revealed both incredible efforts and significant gaps in meeting the needs of an increasing number of Venezuelan refugees.



Figure 6 Venezuelan families wait in line for vaccinations for their children at Rumichaca border.

*“I want them to help the children.
They are starving.”*

-Martha, a Venezuelan mother

USCRI RECOMMENDATIONS

1. Increase funding to support direct emergency assistance to the government of Ecuador, civil society and international organizations.

3.3 million of forcibly displaced Venezuelans are in Latin America and the Caribbean. Ecuador is working with civil society and international organizations to provide food, healthcare and clothing for Venezuelans. Ecuador already hosts the largest number of Colombian refugees and it needs funding support to continue to serve Venezuelans and strengthen its infrastructure to accommodate the large growth in population.

Lack of adequate direct emergency assistance has already forced women to survival sex to meet their basic needs and has left many desperate and vulnerable to human trafficking and exploitation.

2. The U.S. should resettle vulnerable Venezuelan refugees.

It is important that the U.S. humanitarian response for Venezuelans include resettlement for the most vulnerable, as part of the comprehensive approach. U.S. solidarity with the Venezuelan people must include resettlement to the U.S.

3. Support Ecuador in providing specialized services for unaccompanied minors and victims of trafficking.

Identification, protection and specialized assistance for survivors of trafficking and unaccompanied children from Venezuela is essential. The U.S. should increase funding and technical assistance to civil society and international organizations and the government of Ecuador to strengthen the infrastructure to identify children and trafficking victims, as well as offer them the specialized services they need.

4. Continue support for Colombian refugees in Ecuador with resettlement and funding aid for direct emergency assistance.

The need to protect Colombians who have been displaced due the violence caused by newly emerging criminal actors and ongoing threats must be addressed. While the signing of peace agreements is promising, facts show that some Colombians still need protection. The U.S. must continue to resettle Colombians and increase funding for assistance.

5. Temporary Protected Status for Venezuelans in the U.S.

Temporary Protected Status (TPS) is one way in which the U.S. government can support Venezuelans immediately. The Secretary of Homeland Security grants TPS to certain individuals who cannot safely return to their home countries due to ongoing armed conflict, environmental disasters, or other extraordinary circumstances.

TPS is not a permanent solution and therefore this should be considered as part of a comprehensive U.S. response.

USCRI credits and thanks Esmeralda López for leading the mission, writing this report and taking the pictures included in it.

Endnotes

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- ⁴ A list of who is providing the most significant provision of services for Venezuelans in the city of Tulcán: Comedor Divino Niño, Pastoral Social Caritas Tulcán, Ministry for Foreign Affairs & Human Mobility, UNHCR, HIAS, Jesuit Refugee Service (JRS), Norwegian Refugee Council (NRC), Defensoría del Pueblo (Ombudsman's Office) and Defensoría Pública (Public defender's office).
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- ¹⁰ *Id.*
- ¹¹ Operations Worldwide Ecuador, UNHCR, <http://reporting.unhcr.org/node/2543> (last visited Mar. 7, 2019).
- ¹² Ministerio de Turismo, *supra* note 9.
- ¹³ 2019 Regional Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela, 55, <http://reporting.unhcr.org/node/21600> (last visited Mar. 7, 2019).
- ¹⁴ USCRI found that in Quito the following are the parties offering the most significant assistance: Comedor Infantil Gotitas de Oblación Casa del Migrante, Buen Samaritano, Pastoral Social Caritas Ecuador, Casa de Acogida, Ministry for Foreign Affairs & Human Mobility, UNHCR, ASA (Asociación Solidaridad y Acción), Misión Scalabriniana, HIAS, Norwegian Refugee Council (NRC).
- ¹⁵ Entrevista: Lenín Moreno/ presidente Ecuador, *supra* note 8.
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- ¹⁹ Situation Response for Venezuelans Platform for Coordination for Refugees and Migrants from Venezuela, <https://r4v.info/en/situations/platform> (last visited Mar. 7, 2019).
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