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‘Universal Citizenship’ Rights Weakening in Ecuador

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Ecuador’s Constitution establishes universal citizenship as a right for everyone in Ecuador, and therefore recognizes the right of free movement within the country. Article 40 reads, “No human being will be identified or considered illegal because of his migratory situation.”

Nevertheless, it seems that this principle does not apply to Cubans or Haitians, judging by the massive deportations of Cuban citizens in July and the detaining and stranding of 150 Haitians on the border between Ecuador and Colombia, which left them unable to enter either country.

Cubans transiting through Ecuador

Just as the rights of nature established by the 2008 Constitutional Assembly were dismantled when oil exploitation in the Yasuní National Park and open-pit mining in the southern Amazonía region were allowed (NotiSur, Feb. 14, 2014), another constitutional principle was dismantled in recent weeks —that of universal citizenship, under which no one migrating from one country to another should be considered illegal.

When this principle became law in Ecuador, visa requirements to enter the country were eliminated. This was quickly revised because of the flow of US-bound persons who began to use Ecuador as a transit country. The number of people entering Ecuador increased greatly, but the number of registered departures did not. National police detected large groups that entered Ecuador legally and left surreptitiously, guided by bands of coyotes. According to the immigration police, the difference between Cubans legally entering and leaving the country went up from 15,658 in 2014 to 29,919 in 2015. As of Dec. 1, 2015, Ecuador began requiring visas for Cubans who wanted to enter the country as tourists, limiting the visits to 90 days. Those soliciting the visas had to present a letter of invitation from an economically solvent Ecuadorian resident (NotiCen, March 10, 2011, May 24, 2012, and Dec, 17, 2015).

These restrictions led to the opening of new illegal entry routes, especially through the Amazonía region. Nuevo Rocafuerte, a small town in Aguarico, in the province of Sucumbíos, became a new port of entry. People from Cuba, Haiti, Senegal, and the Congo, among other countries, entered through this port in small boats under cover of night, and once inside the country, traveled to Quito in small pickup trucks.

The pressure from these new waves of migrants also began to register in Central America. Nicaragua closed its border with Costa Rica to stop the passage of Cubans, causing a migratory crisis that was resolved with an agreement that allowed Cubans on their way to the US to enter Mexico through Costa Rica and Panama (NotiCen, Dec. 10, 2015, and July 7, 2016).

In Ecuador, the situation reached a crisis point on June 21, when about 100 Cubans camped out in front of the Mexican Embassy in Quito demanding that they be given safe passage to travel to Mexico, as had occurred in Costa Rica, so they could then go to the US. But the Ecuadoran government was reluctant to give in to the Cubans’ request, and initiated an eviction and deportation operation instead.
On June 26, a Sunday, the Cubans in front of the Mexican Embassy were forced to move, but were allowed to install their encampment in a nearby park. However, they were later evicted from the park. The encampment was set up again, this time in the emblematic El Arbolito Park, an epicenter of social mobilizations in Ecuador. Even though the mayor of Quito had granted permission for the encampment, the government elected to offer a final solution in response to the pressure from the Cubans seeking safe passage to Mexico. On the night of July 6, the Cubans remaining at El Arbolito were arrested. Following a migration check that human rights activists called irregular, the government reported that 151 persons were unable to justify their immigration status and that they would be deported.

In the early hours of Saturday, July 9, the first group of Cubans was taken to the Tababela Airport and sent to Cuba aboard an Ecuadoran military plane. The same process was repeated a few days later, even though human rights attorneys had filed a writ of habeas corpus, which the courts left unresolved. Finally, the last group of 47 Cubans was deported, bringing the total sent to the Caribbean island to 122.

Haitians stranded on the border

The situation is also very dramatic for the Haitians who try to get into Ecuador, legally or illegally. In early August, 150 Haitians were stranded at the Rumichaca International Bridge, the principal point of entry on the border with Colombia. On both ends of the bridge, police blocked the Haitians from entering the countries.

According to Dr. Pedro Velasco, chief of the Judicial Council of Ecuador (Consejo de la Judicatura del Ecuador), Northern Ecuador has become an entry point for Haitians who want to eventually get to the US. According to the council’s statistics, between January and June, some 171 foreign migrants were called before courts in Tulcán, the capital of Carchi province, to explain their presence in the country. They were then deported.

Shortly after, the group stranded at the border disappeared. Around the same time, several Haitians traveling clandestinely in a public bus were detained in the southern part of the country. Ecuadoran police escorted the bus to the Colombian border.

The Haitian population in Quito has tripled this year. Immigrants have opened colorful restaurants and beauty shops specializing in services to Afro-descendants. However, most of them are in the country without proper documentation and live in fear of being taken to the Hotel Carrión, a hotel in the capital that has been transformed into a type of jail for migrants who are later deported without the judicial process normally used for these decisions.

Government defends deportation policy

In an effort to explain the Cuban situation and reject accusations made by activist human rights lawyers, President Rafael Correa said, “Ecuador will not become a smuggler country.” He said these citizens are victims of smuggling rings who take them to Ecuador and later transport them to Mexico before trying to smuggle them into the US.

Along the same lines, Diego Fuentes, deputy interior minister, said that Ecuador cannot allow the abuse of its universal citizenship policy. He said the policy had been abused, including by some lawyers who want open entry and would allow Ecuador to become an illegal stepping stone for people wanting to go to other countries.

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Meanwhile, María Augusta Calle, a legislator affiliated with the ruling party, Alianza País, said that universal citizenship doesn’t mean that Ecuador doesn’t have migratory regulations and that it is a no-man’s land. Ecuador, Calle said, “is a country that has rules, it is a country that opens its doors to all human beings, but it asks them to come with the respect that we deserve.”

Finally, as is the custom of the Correa administration, official explanations resulted in accusations that the opposition was blowing up and distorting the issue in the media as part of its anti-government campaign directed by people in Miami, Florida. In addition, it referred to the Cuban Adjustment Act, passed by the US Congress in 1966 (NotiCen, April 16, 1998, and Dec. 10, 2015), as a policy that stimulates illegal immigration. The act grants automatic admission to Cuban citizens who reach US soil—by whatever means, documented or not—and offers them privileges such as permanent residency after a year.

Whatever the government’s explanation may be, Ecuador’s Constitution is clear when it establishes in Article 40 that “every person’s right to migrate is recognized.” Under this precept, the governmental actions taken against the Cubans, Haitians, and other foreign migrants are unconstitutional, even though such migration may result in other problems that affect the country. Those problems should be resolved within the framework of the Constitution and not with massive deportations such as those that have already occurred.

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