

# REGISTRO OFICIAL

ÓRGANO DE LA REPÚBLICA DEL ECUADOR

## SUMMARY:

P.

## EXECUTIVE FUNCTION

## DECREES:

### PRESIDENCY OF THE REPUBLIC:

354	The Regulation to the Organic Law of Human Mobility is issued .....	2
355	The Presidential Pardon is granted consisting of the pardon of the sentence imposed in favor of any person deprived of liberty with an enforceable sentence who, on the date of issuance of this Executive Decree, meets the requirements indicated therein .....	102



WOMEN 354

**GUILLERMO LASSO MENDOZA  
CONSTITUTIONAL PRESIDENT OF THE REPUBLIC**

**CONSIDERING:**

That numeral 8 of article 3 of the Constitution of the Republic establishes as a primary duty of the State, guarantee its inhabitants the right to a culture of peace, comprehensive security and to live in a democratic society free of corruption;

That article 9 of the Constitution of the Republic establishes that foreign persons who are in Ecuadorian territory will have the same rights and duties as Ecuadorian persons;

That numeral 2 of article 11 of the Constitution of the Republic states that all people are equal and will enjoy the same rights, duties and opportunities, and that no one may be discriminated against due to their immigration status;

That articles 40 and 41 of the Constitution of the Republic recognize the right of people to migrate, and guarantee that no human being is identified or considered illegal due to their migratory status, as well as the rights of asylum and refuge, in accordance with the law and international human rights instruments;

That subparagraphs 2 and 3 of numeral 14 of article 66 of the Constitution of the Republic recognize and guarantee people the right to move freely through the national territory, choose their residence, as well as enter and leave the country freely, the exercise of which is will regulate in accordance with Law; the non-return of people to those countries where their lives or that of their families are at risk; and, it prohibits the expulsion of groups of foreigners;

That number 13 of article 147 of the Constitution of the Republic determines, among other attributions and duties of the President of the Republic, to issue the necessary regulations for the application of the laws, without contravening or altering them, as well as those that agree to the good departure of the administration;

That numeral 3 of article 261 of the Constitution of the Republic determines that the central State will have exclusive powers over the registration of persons, naturalization of foreigners and migratory control;

That article 392 of the Constitution of the Republic states that the State will ensure the rights of people in human mobility, being its duty to design, adopt, execute and evaluate policies, plans, programs and projects with the competent national bodies at different levels of Government, agencies of other States and civil society organizations that work on human mobility at the national and international level;

That numeral 6 of article 416 of the Constitution of the Republic determines that the relations of the Ecuador with the international community will respond to the interests of the Ecuadorian people, to whom those responsible and executors will be accountable; and, consequently, advocates the principle of universal citizenship, the free mobility of all the planet's inhabitants and the progressive end of foreign status as a transforming element of unequal relations between countries, especially Norte-Sur;

That article 1 of the Organic Law of Human Mobility determines that its purpose is to regulate the exercise of rights, obligations, institutions and mechanisms linked to people in human mobility, which includes emigrants, immigrants, people in transit, returned Ecuadorians, who require international protection, victims of the crimes of human trafficking and migrant smuggling; and, their relatives;

That the Organic Law Amending the Organic Law on Human Mobility, published through the Third Supplement to Official Registry No. 386 of February 5, 2021, reformed the Organic Law on Human Mobility;

That by means of Executive Decree No. 111 of August 3, 2017, the Regulations to the Organic Law of Human Mobility were issued, published by Supplement to the Official Register No. 55 of August 10, 2017;

That through Official Letter No. MREMH-VMH-2021-0212-O of October 12, 2021, the Ministry of Foreign Affairs and Human Mobility forwarded the draft Regulations to the Organic Law on Human Mobility with its respective legal technical report;

That the Internal Revenue Service submitted a tax impact report through Official Letter No. SRI SRI-2021-0378-OF dated October 15, 2021;

That the Ministry of Economy and Finance sent, by official letter No. MEF-VGF-2021-0815-O of November 10, 2021, a prior, favorable and binding opinion;

That it is necessary to adapt the regulations to the reforming provisions of the Law Organic Human Mobility; and,

In exercise of the powers conferred by numerals 5 and 13 of article 147 of the Constitution of the Republic; and literal f) of article 11 of the Statute of the Legal and Administrative Regime of the Executive Function, issues the following:

## **REGULATION TO THE ORGANIC LAW OF HUMAN MOBILITY**

### **TITLE I GENERAL CONSIDERATIONS**

#### **CHAPTER I PURPOSE AND SCOPE OF THIS REGULATION**

**Article 1.- Purpose and scope.-** The purpose of this Regulation is to establish the procedures for the correct and diligent application of the provisions contained in the Organic Law on Human Mobility.

This regulatory body will be mandatory for all people in a situation of human mobility, whether they are Ecuadorians inside and outside the country, and foreigners in the national territory, in accordance with the constitutional precepts and the related legal system.

**Article 2.- Compliance with the law.-** Public institutions must compulsorily observe and comply with the provisions of the Organic Law on Human Mobility and this Regulation, in everything that is related to people in a situation of human mobility.

In order to comply with this Regulation, the fundamental principles and rights established in the Constitution of the Republic and the Organic Law of Human Mobility must be observed at all times, in order to guarantee the full exercise of the rights and benefits established for people in situation of human mobility, as appropriate.

## CHAPTER II DEFINITIONS

**Article 3.- Definitions.-** For the purposes of this Regulation, in addition to the definitions provided in article 3 of the Organic Law on Human Mobility, the following shall be understood as:

- to. Interoperability:** Share and exchange information and electronic data through information and communication technologies (ICT), between the systems that various State institutions have, without prejudice to the rights of people in human mobility and safeguarding the principles stipulated in article 2 of the Law, of this Regulation and other regulations in force with the purpose of automating procedures in matters of human mobility addressed to the citizen and institutional processes.
- b. Legal assistance and accompaniment:** It is the process by which the Ecuadorian State through its consular offices, in coordination with its national offices as required and in the corresponding cases, at the request of a party, it will provide accompaniment to Ecuadorians abroad who are immersed in judicial processes, in order to ensure compliance with due process.

In exceptional cases, when there has been a violation of human rights, in which Ecuadorian citizens abroad do not have sufficient financial resources for their defense, in accordance with the corresponding socioeconomic report, the declaration of the person served, the evidence that it presents to support its need, and when the receiving State does not provide a court-appointed lawyer, the Ecuadorian State, through the competent human rights body in Ecuador, may provide corresponding legal assistance, in coordination with the diplomatic mission or respective Ecuadorian consular office.

**Article 4.- Of the deadlines and terms in migratory matter.-** For the purposes of this regulation, term will be understood as a period of time in which every day is counted; and, by term, a period of time in which only business days are counted.

## TÍTULO II PEOPLE IN HUMAN MOBILITY

### CHAPTER I RECTORY

**Article 5.- Stewardship of Human Mobility.-** The stewardship of human mobility corresponds to the Ministry of Foreign Affairs and Human Mobility, who will execute compliance with the precepts established in the Constitution of the Republic on the matter and, will exercise the powers established in the Organic Law of Human Mobility, this Regulation and other regulations in force.

The authority in matters of human mobility will be exercised by the person who holds the position of Vice Minister of Human Mobility, under the policy and guidelines established by the highest authority of the Ministry of Foreign Affairs and Human Mobility.

The Ministry of Government, in its capacity as the authority responsible for migration control, will exercise the powers relating to migration control, as stipulated in article 200 of these Regulations.

**Article 6.- Delegation.-** In application of the principles of administrative law, the powers provided for, both in the Law and in these Regulations, for the highest authority of human mobility, are delegable, even when the power of express delegation is not stated in said regulations. . The resolution issued by the highest authority for this purpose will determine the content and scope of the delegation.

## CHAPTER II ECUADORIAN PEOPLE ABROAD

### Section I Identification of people in vulnerable situations

**Article 7.- Authority to declare vulnerability.-** It is the responsibility of the Vice Ministry of Human Mobility through the heads of diplomatic missions, consular offices abroad or the Zonal Directorates, as appropriate, to declare the condition of vulnerability and attend to it in a timely manner. priority, when at least one of the following conditions is met:

1. Is in an irregular situation in the country of destination and does not have sufficient resources to return to Ecuador;
2. Is in a defenseless situation in the face of a threat, risk or aggression against his life or personal integrity duly verified;
3. Being a girl, boy or adolescent unaccompanied or separated from their parents or guardian;
4. Being an older adult, a pregnant woman, a person with a disability, or a person with catastrophic or highly complex illnesses who, by not having guardians, curators, relatives or sufficient economic resources, are in a serious risk situation;
5. Being a victim of domestic or gender violence;
6. Being a victim of duly proven discrimination or xenophobia;

7. Being deprived of liberty and not having sufficient financial resources to exercise their right to defense, provided that the receiving State cannot provide them with a public or ex officio defender;
8. Being in a situation of indigence or extreme poverty;
9. Being a migrant worker in a situation of labor exploitation due to violation of their rights provided for in international instruments and not having received adequate guarantees from the labor authorities of the country of their residence;
10. Being a victim of human trafficking or migrant smuggling;
11. Being affected by migration or social policies of the country of transit or destination that their rights are violated and they are in a defenseless situation;
12. That their life, freedom or personal integrity is threatened due to natural catastrophes, international or internal conflicts or other factors that threaten these rights; and,
13. Being a family member up to the fourth degree of consanguinity or second degree of affinity of an Ecuadorian who has died abroad and not having the economic resources to repatriate his body or mortal remains.

**Article 8.- Procedure for declaration of vulnerability.-** The authority, at the request of a party or when it is somehow aware of a situation of vulnerability, will initiate the procedure for its declaration.

Once the vulnerability declaration procedure has been initiated, the applicant or person who has been identified as vulnerable will enjoy protection and priority attention through the mechanisms and procedures available to the authority.

Once the case has been evaluated by the authority, if sufficient justifications are found or if there are indications that the applicant is in a vulnerable condition, it will be declared immediately.

The competent Zonal Directorate, together with the diplomatic and/or consular missions of Ecuador abroad, will prepare a file on the case together with the justifications, reports and documents that support the declaration of vulnerability as appropriate. The copy of the file will be recorded both in the administrative unit of the Vice Ministry of Human Mobility designated for this purpose, and in the diplomatic mission or consular office.

For the cases of repatriation of Ecuadorian people in vulnerability contemplated in the Organic Law of Human Mobility, what is established for the treatment of exceptionality foreseen in this Regulation will be applied. For this purpose, risk assessment, personal and family safety will be considered; Assisted transportation, lodging or reception in Ecuador and in the country of destination will be guaranteed.

The declaration of vulnerability with respect to each of the conditions established in the Organic Law of Human Mobility, due to its specificity, will be carried out considering, in addition to what is foreseen in this Regulation, what is established in the protocol that for this purpose is issued by the human mobility authority.

**Article 9.- Confidentiality of the data of Ecuadorians abroad.-** The diplomatic missions and/or consular offices of Ecuador abroad must respect the confidentiality of the personal data of Ecuadorians abroad, especially those data inherent to the rights recognized in the Constitution of the Republic of Ecuador and other international instruments ratified by the Ecuadorian State.

If Ecuadorians are defenseless or vulnerable, and a timely and immediate intervention is necessary, diplomatic missions and/or consular offices of Ecuador abroad may exclusively exchange the necessary information of the person served, such as their general data, with other institutions that participate directly in the process of assistance to Ecuadorians abroad.

For no reason will the information on the citizen in a situation of vulnerability be revealed, except in the cases determined in article 7 of the Organic Law of Human Mobility.

## Section II

### Exceptional cases for the repatriation of people in vulnerable situations

**Article 10.- Competence.-** It corresponds to the Vice Ministry of Human Mobility, through the heads of the diplomatic missions, the consular offices abroad or the Zonal Directorates, as appropriate, to attend to the requests presented for assistance and assisted return in cases classified as exceptional in article 39 of the Organic Law of Human Mobility.

In cases related to repatriation and when the integrity of the person is compromised, it will adopt the expeditious and immediate procedure for their repatriation.

## Section III

### Repatriation of corpses or mortal remains

**Article 11.- Competence.-** Those who exercise the headquarters of the Zonal Directorates in coordination with the Consular Offices of the Ministry of Foreign Affairs and Human Mobility, will approve and execute the process of repatriation of corpses or mortal remains, including the cremation of Ecuadorians deceased in abroad, prior qualification of economic vulnerability of the relatives, declared by the person who holds the position of Vice Minister of Human Mobility or their delegates.

Once the economic vulnerability has been declared, all the necessary administrative procedures will be carried out to carry out the repatriation of the body or mortal remains of the Ecuadorian who died abroad.

The Zonal Directorates or the Consular Offices will receive the requests for repatriation of corpses or mortal remains of Ecuadorian persons who died abroad presented by their relatives in Ecuador; within a period not exceeding two (2) business days. The requirement will be raised to the knowledge of the person who holds the position of Vice Minister of Human Mobility, or his delegate. Subsequently, the respective report will be drawn up for the declaration or not of economic vulnerability of the petitioners, signed by the person who exercises the leadership of the corresponding Zonal Directorate.

The provenance report referred to in the previous paragraph, must have not only the documentation and information that, at the moment, the applicant can provide, but also that which the administration has actively obtained, in order to justify the recommendation of the declaration of vulnerability. economic or its negative.

In order to facilitate repatriation procedures abroad, the petitioner may grant a power of attorney, apostilled or legalized, to an official of the Foreign Service of the jurisdiction of the place of death or to the person who knows the case.

**Article 12.- Family applicant.-** The request for repatriation of the body or mortal remains of an Ecuadorian person who died abroad, may be made by:

- a) Spouse;
- b) Cohabiting in a legally recognized de facto union; or,
- c) Relatives up to the fourth degree of consanguinity or second degree of affinity; and,
- d) Exceptionally, in the event that there is no family member, a person by means of an affidavit will detail the circumstances under which they knew the deceased and their relationship.

In the cases detailed in subparagraphs a), b) and c), the requesting family member must demonstrate their affiliation or kinship with the deceased person, with the official documents issued by the competent authority.

**Article 13.- Requirements.-** The following documents will be attached to the request for the repatriation of corpses or mortal remains:

- a) Identity of the applicant for repatriation;
- b) Identity, passport or birth certificate of the deceased Ecuadorian; and,
- c) Evidence of the death of the citizen, such as death certificates, certificates doctors, autopsy reports, parts or police reports, among others.

For literals b) and c) of this article, any other document may be presented that allows both the identification of the deceased Ecuadorian citizen, as well as of this fact.

**Article 14.- Repatriation approval procedure.-** The respective Zonal Directorate, in coordination with the corresponding consular office, will prepare the repatriation file, which will include the following:

- 1. Request for repatriation;
- 2. Provenance report with the respective justifications;
- 3. The declaration of economic vulnerability of the family;
- 4. The corresponding budget certification; and,
- 5. Administrative or judicial resolution, in Ecuador or abroad, if applicable.

For the repatriation of corpses or mortal remains, the registration of death in the consulates of Ecuador abroad will be an essential requirement.



**Article 15.- Coverage for repatriation.-** Once the repatriation is approved by the Zonal Directorates, the Directorate for the Protection of Ecuadorians Abroad, within a period not exceeding two (2) days, will request the Planning Unit to transfer the the funds of the value corresponding to the repatriation of mortal remains, upon request of the person who exercises the leadership of the diplomatic missions or consular offices.

In these cases, the diplomatic missions, in their capacity as expense organizers, will assume the expenses related only to the repatriation of mortal remains.

#### **Section IV**

##### **Consular and human mobility services**

**Article 16.- Consular services and services in Ecuadorian territory.-** Ecuadorian or foreign persons may receive, if required, and regardless of their immigration status, consular services and human mobility in compliance with this Regulation both in Ecuadorian territory and in the outside. Human mobility services may be provided in an automated manner and must be accessible by electronic means.

Abroad, consular services will be provided through the different consular offices.

In Ecuadorian territory, attention for the provision of services will be carried out through the Zonal Directorates of the Ministry of Foreign Affairs and Human Mobility.

The human mobility authority will annually evaluate the management of the Consular Offices and Zonal Directorates.

The persons in charge of the services referred to in this article, both in Ecuador and abroad, will collect only the rights established in the respective tariffs, in accordance with current regulations.

#### **Section V**

##### **Shipping parcels and goods to Ecuador**

**Article 17.- Requirements to exercise the right to send parcels and goods exempt from tariffs.-** So that parcel shipments containing goods for use by the family nucleus residing in Ecuador are recognized and obtain the tariff exemption provided for in article 15 of the Organic Law of Human Mobility, Ecuadorian emigrants must:

1. Reside abroad for at least six (6) months, without prejudice to their immigration status;
2. Register the Ecuadorian consular offices or diplomatic missions and register their nucleus relative residing in Ecuador.

The aforementioned records will be made online, through the technological platform that the Ministry of Foreign Affairs and Human Mobility will make available to users.

Said shipments will be governed by the resolutions issued for this purpose by the Foreign Trade Committee – COMEX.

**Article 18.- Beneficiaries of the package.-** For the application of the tariff exemption in the delivery of packages, determined in article 15 of the Organic Law of Human Mobility and in the preceding article, it is understood as a family nucleus beneficiary of the package to the resident relatives in Ecuador of the Ecuadorian emigrant residing abroad, included up to the fourth degree of consanguinity or second of affinity.

**Article 19.- Follow-up and control over the package sent.-** The information registered by the Ecuadorian emigrant in the consular offices or diplomatic missions of Ecuador, about the beneficiary relatives of the package, will be shared automatically with the National Customs Service of the Ecuador, with the objective that this entity, in collaboration with the General Directorate of Civil Registry, Identification and Identification, carry out the pertinent control actions for the correct exercise of this right, within which it must be compared and verified that the information provided regarding the kinship that exists between the Ecuadorian emigrant and the beneficiary is true, and that said kinship is within the degree of consanguinity or affinity allowed.

In case of falsehood or deception in the consigned data, the National Customs Service of Ecuador will initiate, immediately, the administrative and legal actions that may take place, in accordance with what is determined in the national legal system.

### CHAPTER III RETURNED ECUADORIAN PEOPLE

#### Section I Return

**Article 20.- Beneficiaries.-** They will be able to avail themselves of the rights and benefits established in the Organic Law of Human Mobility, the Ecuadorian people who settled, without prejudice to the migratory condition that they had held in their country of destination, abroad and return to the national territory to reside there, as well as the members of their family who return together with them up to the fourth degree of consanguinity and second degree of affinity, who resided abroad for a period of more than two (2) years and who return from voluntarily or forced.

In addition, Ecuadorians born abroad who enter Ecuador to settle in it may be beneficiaries.

In the case of returnees, the term indicated in numeral 1 of article 25 of the Organic Law of the Human Mobility, will be counted from:

1. The registration of exit from the Ecuadorian territory through the authorized control points migratory; and,
2. The consular registration certificate issued by the Consul, which will include the date on which the which made its consular registration at the place of destination.

If for some exceptional reason, it is not possible to demonstrate the stay abroad through the documents established in the previous paragraph, the applicant may submit a sworn statement in which the supporting documents that demonstrate their stay abroad will be attached. the time specified in this article.

The returned Ecuadorian migrant may stay up to a maximum of one hundred and eighty (180) consecutive days or not per year in Ecuadorian territory, within two (2) years before his return, counted from the time it occurs, without losing the benefits established in the Organic Law of Human Mobility and this Regulation.

Ecuadorians residing abroad who come to perform public functions in the country, may request the benefit of exemption from foreign trade taxes on the importation of their household goods or work equipment, up to thirty-six (36) months after their arrival with the intention of settling in the country and complying with the budgets indicated in the Organic Law of Human Mobility. You can make use of the other benefits contemplated in the Organic Law of Human Mobility, up to thirty-six (36) months once your functions have concluded.

Ecuadorian people who have left the country for study reasons and their stay abroad was for more than two (2) years abroad, have the rights established in the Organic Law of Human Mobility, except for the benefit of importing a vehicle automotive.

Returned Ecuadorians will be considered as such, for a period not exceeding three (3) years, from their entry into Ecuador on the occasion of their return.

**Article 21.- Forced return.-** In the cases of Ecuadorians declared in conditions of vulnerability and who return to the country in a forced manner, in accordance with the Organic Law of Human Mobility and this Regulation, the human mobility authority must issue the Migrant Certificate Returned, even if they do not prove the two (2) years of permanence abroad.

**Article 22.- Returned Migrant Certificate.-** It is the document issued by the Zonal Directorate of the Ministry of Foreign Affairs and Human Mobility closest to the domicile in Ecuador of the returned person.

The Returned Migrant Certificate states, in such condition, that the Ecuadorian citizen resided abroad, regularly or irregularly, and returned voluntarily or forced.

Additionally, it accredits as a returned migrant only the members of his family, up to the fourth degree of consanguinity and second degree of affinity, who return to the country with the intention of settling in it; and, therefore, enables it to access the rights and benefits established in favor of Ecuadorian returnees in the Organic Law of Human Mobility.

Once the respective documentary analysis has been carried out, the competent authority in matters of human mobility will issue the Returned Migrant Certificate, where it will confirm that the applicant meets the conditions and requirements established in the Organic Law of Human Mobility to enjoy the status of migrant. returned Ecuadorian, and will state at least in the document, the following information, previously validated:

- i) Identification of the returned Ecuadorian migrant, with their respective ID number, passport or equivalent identity document;
- ii) Home address in Ecuador where you will establish your domicile;
- iii) Initial date of departure from Ecuador, with the aim of residing abroad;
- iv) Time spent in Ecuador, during the last two years prior to the return of the Ecuadorian migrant, with the aim of corroborating the provisions of the Fifth General Provision of the Organic Law of Human Mobility;
- v) Time spent abroad, regardless of the migratory status that has been held;
- vi) Date of return of the Ecuadorian migrant, with the aim of establishing his domicile in Ecuador;
- vii) Identification of the members of the family nucleus of the returned Ecuadorian migrant, with their respective ID numbers, passport or equivalent identity document; relationship, nationality and age; and,
- viii) Confirmation that the returned Ecuadorian migrant was absent from Ecuador solely and exclusively for study purposes.

Additionally, it will be stated in the Returned Ecuadorian Migrant Certificate that, for the purposes of importing goods under the household goods exception regime, the customs administration will be the competent entity to review that this benefit is granted to the returned Ecuadorian migrant. , once every ten (10) years, and that the aforementioned regime be requested within thirty-six (36) months after arrival in Ecuador with the intention of settling in it.

The Returned Migrant Certificate will be issued to Ecuadorians born abroad when they enter Ecuador to settle, which will enable them to avail themselves of the rights and benefits set forth in the Organic Law of Human Mobility.

The Returned Migrant Certificate issued will be based on the information on migratory movements, to which the personal sworn statement of the interested party will be attached, on the date of their definitive return to Ecuador.

In cases where the exit or entry to Ecuador cannot be verified with the migratory movements, the returned Ecuadorian person must present to the competent authority in matters of human mobility, at least two (2) documents that justify their exit and entry to the territory. Ecuadorian. These documents may be:

- a) Consular actions;
- b) Consular identification;
- c) Visa;
- d) Certificate of registration abroad;
- e) Residence document;
- f) Driver's license;
- g) Health card or similar;
- h) Birth certificates of children born abroad.
- i) Account statements held abroad; or,
- j) Any other document that demonstrates their permanence abroad, in accordance with the deadlines established in the Law.

The Returned migrant certificate may only be requested after the arrival of the migrant with the intention of residing in Ecuador.

**Article 23.- Presentation of fraudulent information.-** If it has been verified and determined that the applications for Returned Migrant Certificates contain inaccurate or presumably false, adulterated or destroyed information, these will not be granted.

When the certificate has been granted and it is verified that the information is inaccurate or presumably false, adulterated or destroyed, the document will be revoked.

In the two (2) cases indicated in this article and if the forgery or fraudulent use of false documents, the competent authorities will execute the corresponding legal actions.

## Section II

### Household items, work equipment and vehicle

**Article 24.- Household goods.-** New or used goods for daily use will be considered as household goods acquired, during their residence abroad on a regular or irregular basis, by an Ecuadorian natural person or family nucleus who has returned to the country. with the intention of residing there.

A motor vehicle or motorcycle for personal or family use is also considered household goods, provided that it meets the requirements detailed in the Organic Law on Human Mobility and in these Regulations.

Only household goods belonging to members of the family nucleus that appear on the returned migrant certificate may be imported.

The National Customs Service of Ecuador will establish the list and the admissible quantities of the goods that will be considered as household goods.

**Article 25.- Admissible quantities.-** Within the list referred to in the preceding article, the entry of clothing, footwear and accessories for the personal use of the migrant and his/her family nucleus will be allowed, in quantities not exceeding two hundred (200) kilograms. for the migrant and for each of the members of the family nucleus, keeping a relationship in size and quantity with the composition of the family nucleus at the time of arrival of the goods.

If quantities of clothing, footwear and accessories are found that exceed the limit established for the declaring migrant and his or her family nucleus, as long as the garments are related to the composition of the family nucleus at the time of arrival of the goods, the surplus will be liquidated. of up to two hundred (200) kilograms as non-exempt household items for the migrant and for each of the members of the family nucleus. If the surplus merchandise does not correspond to the declaring migrant or to his/her family nucleus, they will be treated as "Merchandise Not Authorized for Importation" or "Merchandise of Prohibited Importation", as appropriate.

The packages, suitcases, boxes or other container used to transport clothing, footwear and accessories must be duly identified, as appropriate to their content.

Anything that exceeds the quantities and items provided for in the list of admissible goods as household goods cannot be protected under this exception regime, and the merchandise must be classified under the specific tariff subheading and comply with all customs formalities.

If merchandise is found that does not correspond to the returned migrant or to the members of his or her family nucleus, these will be separated from the household goods and will be subject to the regulations that apply to customs matters.

**Article 26.- Motor vehicle or motorcycle.-** It will be considered as household items for Ecuadorians over eighteen (18) years of age who return with the intention of settling in Ecuador, a motor vehicle or a motorcycle provided that its model year corresponds to the last four (4) years prior to the year of acceptance of the import customs declaration.

In order to import the motor vehicle or motorcycle as household goods, it must have been shipped together with the other goods or cargo units that make up the household goods, as long as it meets the following conditions:

- 1. For the motor vehicle:** To benefit from this benefit, the returned migrant must meet one of the conditions indicated in article 25 of the Organic Law of Mobility Human. The maximum allowed value of the motor vehicle may not exceed eighty (80) Unified Basic Wages.

For purposes of determining the value of the motor vehicle, the returned migrant must enter in the customs declaration the model year, characteristics and the value of the motor vehicle according to the price set on the date of acquisition of the same, whose information will be verified by the customs administration with the supporting documentation attached to the customs declaration, being able to request additional documentation, in order to determine the correct value of the vehicle.

- 2. For motorcycles:** To benefit from this benefit, the returned migrant must meet one of the conditions set forth in article 25 of the Organic Law on Human Mobility. The maximum allowed value of the motorcycle may not exceed twenty-five (25) Unified Basic Wages.

For purposes of determining the value of the motorcycle, the returned migrant must enter in the customs declaration the model year, characteristics and value of the motorcycle in accordance with the price set on the date of acquisition of the same, a requirement that the administration The customs office will verify with the supporting documentation attached to the customs declaration, and may request additional documentation, in order to determine the correct value of the motorcycle.

- 3. General considerations:** In the event that the value of the motor vehicle or motorcycle exceeds the limit established in the previous numerals, in an amount of up to ten (10) Unified Basic Salaries of the worker, its nationalization will be allowed, and the fees must be paid.

**CONSTITUTIONAL PRESIDENT OF THE REPUBLIC**

taxes on foreign trade calculated on the difference between the price of the vehicle or motorcycle and the maximum value of the exemption.

In the case of exceeding ten (10) Unified Basic Wages of the worker, of the allowed value, the motor vehicle or motorcycle will not be able to benefit from the figure of household items and will be subject to all ordinary import rules.

In no case will motor vehicles or motorcycles that do not comply with the provisions of the preceding paragraphs, in accordance with the provisions of the Organic Law of Human Mobility, be accepted as part of the household goods, and must be classified in the specific subheading of the Ecuadorian tariff and comply with all legal formalities.

Sea or air vehicles will not be considered as household items, so they must be subject to the ordinary rules of an import.

To demonstrate ownership of the motor vehicle or motorcycle, new or used, in favor of the exemption applicant, the presentation of the commercial invoice, property title, registration, registration or equivalent document issued by the competent authority abroad will be required. in the name of the migrant or a member of his or her family, whose date of issue must be prior to the arrival of the migrant with the intention of residing in Ecuador.

If two or more motor vehicles or motorcycles that meet the requirements established in this article are included in the household goods, the one decided by the Ecuadorian migrant will be accepted; In the case of not deciding, the customs administration will accept the motor vehicle or motorcycle with the highest value as household items. The rest of the motor vehicles or motorcycles, in new condition, must be classified within the specific sub-item of the Ecuadorian tariff and comply with all legal formalities and the payment of taxes. In the case of additional motor vehicles or motorcycles in used condition, these will be considered as "prohibited import merchandise", and therefore, their mandatory reshipment will be arranged.

Motor vehicles or motorcycles that have been damaged (with the legend "Salvataje", "Salvage" or equivalent, in the purchase documents) will not be considered as part of the household goods, even if they arrive in the country repaired.

**Article 27.- Work equipment.-** It is considered to be the set of utensils, instruments and/or professional equipment, new or used, for the exercise of a productive task or a trade, linked to the activity, profession, art or trade of the migrant or their family nucleus; connection that must be duly justified.

Work equipment does not necessarily have to be portable, therefore, it can be stationary or fixed work tools, which are capable of being disassembled or disassembled, instruments, structures, machines or machinery.

The productive task or the trade to be exercised must be expressly stated in the Affidavit that is attached to the import customs declaration.



Only imports of work equipment, whose value does not exceed one hundred and sixty (160) Unified Basic Salaries, will be exempt from the payment of taxes on foreign trade.

For each importation, only one (1) work team will be admitted with foreign trade tax exemption.

If the work team exceeds eighty (80) Unified Basic Salaries per family nucleus, an investment project for your business in Ecuador must be presented, in accordance with the specific regulations that the National Customs Service of Ecuador will dictate for this purpose. .

Under no circumstances will vehicles, ships or aircraft arrive as work equipment whose specific tariff classification corresponds to chapters 87 (Motor vehicles, tractors, velocipedes and other land vehicles, their parts and accessories), 88 (Aircraft, space vehicles, and their parts) and 89 (Ships and other floating artifacts) of the customs tariff of Ecuador, as well as raw materials, supplies, textiles and footwear in general.

Goods classified under headings will not be considered as work equipment either.  
 tariff: 8428.90.10.00. Other lifting, loading, unloading or handling machinery and equipment (for example: elevators, escalators, conveyors, cable cars); 8428.90.90.00 (Other machines and devices for lifting, loading, unloading or handling (for example: elevators, escalators, conveyors, cable cars); 8429.11.00.00 (Front bulldozers - Tracked); 8429.20.00.00 (Front bulldozers - Graders ); 8429.30.00.00 (Front bulldozers - Scrapers <`scrapers`>); 8429.40.00.00 (Front bulldozers - Compactors and road rollers (rollers)); 8429.51.00.10 ( --- Skid steer loaders with power less than or equal to 70 HP) 8429.51.00.90 (---Others); 8429.52.00.10 (---With power less than or equal to 30 HP); 8429.52.00.90 (---Others); 8429.59.00.00 (Front bulldozers - Others) ; (Other machines and apparatus for bulldozing, leveling, scraping - Self-propelled); 8430.50.00.00 (Other machines and apparatus for bulldozing, leveling, scraping - Other self-propelled machines and equipment), and others determined by the highest customs authority .

**Article 28.- Family nucleus.-** The returned migrant is constituted as the family nucleus of the members of his family, included up to the fourth degree of consanguinity and/or second degree of affinity.

**Article 29.- Access to the benefit.-** To access the benefit of exemption from taxes on the importation of household goods and the importation of work equipment, the declaring Ecuadorian person must have the Returned Migrant Certificate issued by the competent authority. , which will be sufficient to accredit the status of returned migrant, in accordance with the requirements and conditions demanded in the Organic Law of Human Mobility and this Regulation.

The returned migrant may request the benefit of exemption from taxes on foreign trade in the importation of their household goods or work equipment, up to thirty-six (36) months after their arrival with the intention of residing in Ecuador. The returned migrant who does not expressly request the benefit of tax exemption, within a period of thirty-six (36) months after his arrival with the intention of residing in the country and in the terms established in the Organic Law of Human Mobility and the this Regulation, will not be entitled to benefit from this exception regime; owing



Submit your goods to the fulfillment of customs formalities and payment of taxes of an ordinary importation.

**Article 30.- Assistance to the returned migrant.-** The customs administration, through the User Service area, in coordination with the Consular Offices of Ecuador, will provide all the necessary advice to the returned Ecuadorian migrant who wishes to avail himself of this exception regime.

The transmission of the import customs declaration under the household goods and work equipment exception regime may be carried out by a customs agent or by the National Customs Service of Ecuador. In the latter case, the servers designated by the competent customs authority will proceed with the transmission of the customs declaration under the exception regime, in the name and under the responsibility of the returned Ecuadorian migrant.

**Article 31.- Joint shipment.-** In the event that several families related by blood wish to ship their household goods in a single cargo unit (container), only those family nuclei whose head of family maintain a relationship up to the fourth degree of consanguinity with the migrant in whose name the transport documents are issued, provided that the families return to the country and individually meet all the conditions to receive the benefit of household goods, in accordance with the Organic Code of Production, Trade and Investments, its regulations and other applicable legal provisions, without the need for the shipment to be made through a cargo consolidation agency. If there is no blood relationship, the joint shipment must be made through a consolidating agency.

**Article 32.- Justification of the property.-** The property of the goods determined as household items or work equipment will be accredited with the Affidavit made in the Ecuadorian consular office of the country from which the return is made, which will constitute a supporting document for the Statement Import Customs, without prejudice to what is indicated in these regulations regarding the documents required to justify the ownership of the motor vehicle or motorcycle.

The packages or boxes that contain the household items and work equipment of the returned Ecuadorian migrant must be identified only with their full name and sequential number.

If it becomes evident that the packages or boxes containing household goods or work equipment do not correspond to the migrant or his or her family nucleus, they will be separated from the import of household goods for their subsequent administrative confiscation, in accordance with the procedure that, for the effect, determine the National Customs Service of Ecuador.

**Article 33.- Conditions of permanence to access the benefit.-** To enjoy the exemption from taxes on the importation of household goods or work equipment, the following conditions of permanence must be met:

- to. Permanence abroad:** The competent authority in matters of human mobility will verify the entrances and exits of the Ecuadorian migrant and his family nucleus, in accordance with the provisions of the Organic Law of Human Mobility, this Regulation and other provisions issued, in order to issue the returned migrant certificate that enables it

to access the right of exemption from taxes on foreign trade in the importation of household goods or work equipment.

- b. Permanence in Ecuador:** To benefit from the tax exemption established in the Organic Law of Human Mobility, the Ecuadorian migrant must not have remained more than one hundred and eighty (180) days, consecutive or not, in Ecuadorian territory, within two (2) years prior to their return, counted from the time it occurs. Fact that must be verified by the competent authority in matters of human mobility, and will be recorded in the respective returned migrant certificate.

**Article 34.- Benefit of household items for more than one occasion.-** Goods may be imported under the exemption regime for household items and work equipment for more than once, provided that ten (10) years have elapsed since The last exemption was granted, taking into account for this purpose, the date of release of the goods and that all the requirements established to access an exemption of household goods or work equipment are met again.

The spouse or common-law partner, who did not arrive together with the returned Ecuadorian migrant who benefited from the exemption of household goods or work equipment, will also be subject to the import limit provided for in the Organic Law of Human Mobility, Therefore, the spouse or common-law partner, who did not arrive, may benefit from the household goods and work equipment regime, provided that ten (10) years have elapsed since the exemption was granted to their spouse or common-law partner. in fact union.

**Article 35.- Transfer of ownership of imported merchandise under the household goods and work equipment regime.- Ownership** of the motor vehicle or motorcycle may be transferred after the period established in article 36 of the Organic Law of Human Mobility , counted from the date on which the release was made. Other merchandise, including work equipment, may be transferred under the provisions of article 127 of the Organic Code of Production, Trade and Investment, only after having resided in Ecuador for one (1) year, counted from from the day after the release of the merchandise has been granted.

Requested the transfer of ownership in the terms of the preceding paragraph, the customs administration will liquidate the taxes on foreign trade for the time remaining to complete the term of five (5) years, calculated from the date of the request; in accordance with the provisions of article 127 of the Organic Code of Production, Trade and Investment.

If the migrant benefited from the exemption of taxes on foreign trade under the household goods and work equipment regime, requires transferring ownership of the goods imported under this regime, and among them are goods whose specific tariff subheading requires the application of a mixed tariff for its liquidation, such as clothing and textiles, the specific non-exempt household subheading will be applied for its liquidation.

The other goods to be transferred must be classified in the specific subheading of the tariff in the Ecuador; however, compliance with commercial defense measures will not be required within the domain transfer authorization process, nor will the presentation of accompanying and support documents that may be required by the specific item at the time of such transfer.

authorization. In addition, it will not be required that the goods to be transferred meet entry or other conditions.

For the cases of motor vehicles or motorcycles that have been imported as household goods exempt from taxes and that have suffered accidents for which the insurance company declares the total loss of the same, their transfer will be authorized and the amount of the taxes must be paid in the corresponding proportion, according to the time remaining until the five years are up in accordance with article 127 of the Organic Code of Production, Commerce and Investments and in relation to the exact value of the sale of the damaged property.

Exceptionally, ownership of the imported motor vehicle and motorcycle may be transferred as part of the household goods, prior to the term established in article 36 of the Organic Law of Human Mobility, under the following conditions:

**1. Death of the returned migrant holder of the importation of the motor vehicle or motorcycle:**

In the event that the migrant benefiting from the tax exemption has died before five (5) years, counted from the date of release of the goods, and if the succession has been resolved in this period, granting ownership of the vehicle or motorcycle in favor of one of the members of the family nucleus of the deceased migrant, the competent District Customs Directorate with the presentation of the request of the executor or the heirs, will request the transit authority to lift the prohibition to dispose of the motor vehicle or motorcycle, as appropriate, so that the heirs or testamentary assignees can dispose of said property.

If the succession has been resolved before five (5) years, granting ownership of the vehicle or motorcycle in favor of a person who is not part of the family nucleus of the deceased migrant, he or she must request the transfer of ownership before the District Customs Office. authority, and pay the proportional part of the foreign trade taxes that are missing to complete the five-year term, in accordance with article 127 of the Organic Code of Production, Commerce and Investments, calculated from the date of the death of the migrant.

Once the payment of the taxes arranged in the previous paragraph has been made, the competent District Director of Customs will request the lifting of the lien that weighs on the vehicle or motorcycle.

- 2. Ecuador is in crisis, serious commotion or national emergency:** Having declared the crisis, serious commotion or national emergency by the President of the Republic, and the declaration being in force, the returned migrant may request the transfer of ownership of the vehicle automobile or motorcycle imported as part of the household goods, as appropriate, before the competent District Customs Directorate, having to pay the proportional part of the foreign trade taxes that are missing to complete the term of five (5) years, in accordance with the Article 127 of the Organic Code of Production, Commerce and Investments, calculated from the date of presentation of the transfer request.

Once the payment of the taxes arranged in the previous paragraph has been made, the competent District Director of Customs will request the lifting of the lien that weighs on the vehicle or motorcycle.

**Article 36.- Of the favorable opinion for the transfer of ownership.-** The governing body of human mobility will issue a favorable opinion for the transfer of ownership of the vehicle or motorcycle before the term of five (5) years counted from the release of the merchandise, in the cases indicated in the Organic Law of Human Mobility.

Such a favorable opinion must be communicated to the National Customs Service of Ecuador so that it proceeds to:

- a) In the event of the death of the owner of the vehicle or motorcycle, the competent authority will be asked to lift the lien; or,
- b) In the event that Ecuador is plunged into crisis, serious commotion or national emergency, to proceed to liquidate the monthly aliquots corresponding to the payment of proportional taxes for the remaining time to complete the period of five (5) years indicated in article 36 of the Organic Law of Human Mobility.

The customs authority will not be able to verify again the fulfillment of the budgets and requirements established by the governing body of human mobility. However, you may not accept the favorable opinion when it appears that it has been issued against an express rule.

**Article 37.- Of the interruption of the residence in Ecuador of the migrant.-** If the returned migrant interrupts his residence in the country for a period of two (2) years, counted from the removal of the household goods, it will be fully invalidated. right the intention to change residence that was stated in the affidavit that was used to obtain the benefit, without prejudice to the fact that in said period he may be absent for a period not exceeding ninety (90) calendar days, consecutive or not, in every year; term that cannot be accumulated from one period to another.

However, in the event that the returned migrant decides to be absent from the country during the final days of a one-year period and the initial days of the second year, said absence may not exceed ninety (90) consecutive days.

If the interruption is verified, the taxes that were not collected when granting the release of household items or work equipment will be rectified by right, and criminal actions will be initiated against the migrant for the crime of perjury; except that the interruption of residence has been for medical reasons associated with catastrophic illnesses, which must be duly justified before the customs administration.

In the case of the motor vehicle or motorcycle, the taxes will be rectified considering the corresponding tariff subheading of chapter 87, while the other goods will be classified in the corresponding subheading of chapter 98.

**Article 38.- Improper use.-** It is presumed that there is improper use when the goods that have been imported as household goods and tools or work equipment are being used by a third party outside the migrant's family nucleus, in any way that allow possession or

use of the same and, without prior domain transfer authorization legally granted by the competent customs authority.

There will be no improper use when the goods are used directly by the family nucleus of the returned migrant, made up of its members up to the fourth degree of consanguinity and/or second degree of affinity, who have or have not resided abroad, under the understanding that this use does not configure domain transfer.

There will also be no improper use when the tools or work equipment are used by the personnel who work for the migrant, under the understanding that the use of these merchandise by said personnel does not configure the transfer of ownership.

The provisions of the Comprehensive Criminal Organic Code will be applied with regard to the misuse of customs tax exemptions or suspensions.

**Article 39.- Inconsistencies in the affidavit.-** If corroborated in the execution of the subsequent customs control, inconsistencies in the data of the returned migrant that are registered in the affidavit of household goods and family composition that serves as the basis for the transmission of the import customs declaration and that could not be justified before the competent customs authority, the complaint will be filed for the crime of perjury and false testimony typified in the Organic Comprehensive Criminal Code.

**Article 40.- Destination of seized or seized household goods and/or work equipment.-** If, after due process has been completed, there are imported goods under the exemption of household goods and/or work equipment, that are confiscated or apprehended by the National Customs Service of Ecuador, they may be destined for public auction, free adjudication or destruction, according to the provisions of the Organic Code of Production, Commerce and Investments and other applicable regulations.

**Article 41.- Ecuadorian migrant absent for reasons of study.-** Ecuadorian people who were absent from the country exclusively and solely for reasons of study may not enter a motor vehicle, but a motorcycle.

To comply with the provisions of article 36 of the Organic Law on Human Mobility, the Ministry of Foreign Affairs and Human Mobility, prior to issuing the Returned Migrant Certificate, must confirm whether the returned migrant was absent exclusively and solely for study reasons, through the visa granted by the competent authority or another document that proves your immigration status for those countries that do not require a visa.

If it is identified that the returned migrant was absent from the country exclusively for study reasons, such situation must be stated in the returned migrant certificate for the National Customs Service of Ecuador to act in accordance with its powers.

**Article 42.- Dispatch of merchandise.-** The process of dispatch of merchandise may not last more than ten (10) days from the date on which the interested parties present all the required documentation and comply with all the formalities provided by law.

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Considering that the period of ten (10) days is counted from the acceptance of the import customs declaration.

**Section III****Vehicles purchased in Ecuador**

**Article 43.- Vehicles acquired in Ecuador for returned migrants.-** The exemption provided for in article 36A, and Provisions Twelfth and Thirteenth of the Organic Law of Human Mobility, refers only to taxes whose generating event is the acquisition or transfer ownership of vehicles or motorcycles, without including other types of taxes, such as the motor vehicle property tax.

For the application of this benefit, the value of the unified basic salary in force on the date of acquisition of the vehicle or motorcycle will be taken into account.

The taxpayers covered by this benefit will be those who have returned to the country after the entry into force of the Organic Law Reforming the Organic Law of Human Mobility, and have acquired the status of returned migrants through the certification of the governing body of human mobility accrediting said quality.

The beneficiaries of this exemption may not transfer ownership of the assets for a period of five (5) years counted from the acquisition. In case of doing so, the obligation to satisfy the tax that was exempted will arise.

**Section IV****Right of access to housing**

**Article 44.- Access to housing.-** The governing body of housing will regulate the process of selection, prioritization and qualification of beneficiaries and other incentives in terms of housing for citizens who return to the national territory under current regulations. For this purpose, the provisions of the Organic Code of Planning and Public Finance regarding budgetary availability must be considered.

**CHAPTER IV****FOREIGN PEOPLE IN ECUADOR****Section I****Responsibilities**

**Article 45.- Request for migratory category of foreigners with dual or multiple nationality.-**

Foreigners who possess dual or multiple nationality may apply for their visa with any of their passports. For purposes of accounting for the time of residence and immigration control, the date of entry recorded in the immigration control system of entry to Ecuadorian territory will be taken into account, regardless of the nationality of the passport that is registered.

**Article 46.- Identity card for foreigners.-** When a foreign citizen has obtained the migratory status of temporary or permanent resident, the General Directorate of Civil Registry, Identification and Cedulation, will grant the corresponding identity card.

For temporary residences, the identity card will have the same validity as that indicated in the visa or migratory category.

## Section II

### Migratory Condition, Migratory Category and Visa

**Article 47.- Right to request a migratory condition.-** Any foreign person who is in Ecuador has the right to request a migratory condition from the respective authority, under the conditions established by the Organic Law of Human Mobility and in compliance with the requirements and procedures established in this Regulation.

**Article 48.- Migratory Condition.-** The migratory condition is the status of temporary visitor or resident granted by the Ecuadorian State so that foreigners can transit or reside in its territory through a permit to stay in the country, in accordance with the provisions of the Organic Law on Human Mobility and this Regulation.

The foreign person may acquire the migratory status of temporary visitor or resident. The immigration status of resident may be temporary or permanent.

**Article 49.- Migratory Category.-** The different types of temporary or permanent permanence that the State grants to foreigners in Ecuador in accordance with the fact that motivates their presence in the country will be called migratory category.

The foreign person in Ecuador, who is in a regular migratory situation, or whose migratory category has expired during the renewal process (who has an appointment for renewal), or the foreign person abroad, or in cases Exceptionally, foreigners who are irregular, but present sufficient evidence of need for international protection, may request one of the following migratory categories:

#### 1. Temporary visitor:

- to. Passerby;
- b. Tourist;
- c. International protection applicant; and,
- d. Temporary visitor who enters to exercise acts of commerce and other lawful activities.

The category of transient can only be requested in Ecuadorian territory before the immigration control authority.

2. **Temporary residence:** In the event that the foreign person expresses their wish to temporarily reside in Ecuador, they may request one of the following migratory categories, according to the activity they intend to carry out in the country:



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- to. Job;
- b. Rentier;
- c. Retired;
- d. Investor;
- and. Scientific, researcher or academic;
- F. Sportsman, artist, cultural manager;
- g. Religious or religious volunteer of an organization with recognized legal personality for Ecuador;
- h. Volunteer, missionary;
- i. Student;
- j. Professional, technician, technologist or craftsman;
- k. Cooperating government, non-governmental organizations and foreign press;
- l. Resident by Agreement;
- m. Persons protected by the holder of the migratory category;
- n. People in International Protection; and,
- or. Marine crew.

3. **Permanent residence:** In the event that the foreign person expresses their wish to reside permanently in Ecuador, they may request this migratory category, as long as they meet any of the following conditions:

- i. Complete at least twenty-one continuous months of permanence in Ecuador, as a resident, prior to the expiration of the residence held;
- ii. Having married or maintained a legally recognized de facto union with a Ecuadorian or foreign person with permanent residence;
- iii. Being a foreign girl, boy or adolescent, or a person with a disability who depends on an Ecuadorian person or a foreign person with permanent residence; or,
- IV. Being a relative up to the second degree of consanguinity or affinity of an Ecuadorian citizen or a foreign citizen with permanent residence in Ecuador.

**Article 50.- Visa.-** The visa is the authorization granted by the Ecuadorian State to the foreign person so that they can remain in Ecuador for a certain period in accordance with the migratory categories established in the Organic Law of Human Mobility and in international instruments. of which Ecuador is a part.

In accordance with the Organic Law on Human Mobility, foreigners may apply for one of the following types of visas:

- 1. Temporary resident visa;
- 2. Exception temporary resident visa;
- 3. Permanent resident visa;
- 4. Diplomatic visa;
- 5. Humanitarian visa;
- 6. Visa de turista;
- 7. Visa by agreement; and,
- 8. Visa for acts of commerce and other activities.



The decision to grant, deny or revoke a visa in one of the migratory categories, to a person foreign, is the sovereign and discretionary power of the Ecuadorian State, through the competent bodies and will be subject to the respective administrative procedure, which will guarantee due process in all its stages.

The exercise of discretionary powers will observe the individual rights of people and the duty of motivation, so the refusal must be supported and the applicant must receive information about the reasons applied in the decision, so that, if possible, you can make the corresponding correction.

**Article 51.- Visa request.-** To request a visa with a migratory condition and category contemplated in the Organic Law of Human Mobility and this Regulation, the foreign person must request it before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, in accordance with the provisions of this Regulation and the secondary regulations issued by the human mobility authority.

The visa may be issued physically or electronically.

**Article 52.- Competence for the processing of the migratory category application.-** The competent administrative body of the Ministry of Foreign Affairs and Human Mobility that accepts the application for processing, to obtain a migratory category, has the obligation to process it until its completion. ending.

If the applicant submits, with reasons, a request for a change of administrative body, the one who is hearing the request must, within two (2) days, notify the body in which the process is going to continue. Copies of the file will be sent together with the notification.

The term provided for the decision to grant or deny a migratory category is sixty (60) days. The term is interrupted in cases in which the foreign person requests the change of administrative body and is resumed when it acknowledges.

**Article 53.- Processing, correction, withdrawal and expiration of the application procedure or change of migratory category.-** The foreign person must present, together with the application for migratory category, all the requirements that the Organic Law of Human Mobility provides for this purpose. and this Regulation for the respective category, if not, said request will be denied.

For this purpose, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility will issue and notify the respective resolution of refusal; without prejudice to the fact that the foreign person may request again the granting of a migratory category, after fulfilling all the requirements.

Even when all the requirements have been submitted, if the review of the documentation contained in the application to obtain a migratory category shows the need for more elements to complement or update the documents submitted, the interested party will be required to, within a term of twenty (20) days, present the required documents, with

indication that, if you do not do so, your request will be considered suspended, following a resolution that must be issued in accordance with the provisions of the Organic Law on Human Mobility and its Regulations.

When the procedure for the application of a migratory category is paralyzed for reasons attributable to the applicant, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility will notify the foreign person that, after a period of two months, the expiration of the same. Once said term has expired without the applicant having resumed the processing, the authority will issue the respective expiration resolution and will order the filing of the procedure, notifying the interested party.

The application procedure for a migratory category will conclude with: the issuance of the visa, negative resolution of the application, withdrawal or expiration.

**Article 54.- Foreign nationals of countries that have been required a consular visa to enter Ecuadorian territory.-** Foreign persons who require a visa to enter Ecuadorian territory may request it at the Consular Office of Ecuador closest to the place where they are.

Foreigners who request a visa at an Ecuadorian Consular Office must justify being in a regular migratory situation in the State where they request it, if they are not nationals of that country.

**Article 55.- Interview.-** If deemed necessary, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility that is dealing with the migratory category application process, may call the applicant for an interview in order to verify the information submitted or request information related to the procedure.

**Article 56.- Presumably irregular documents.-** If during the processing of a visa application for themselves or for third parties, the foreign person or persons present a document of which it is presumed or there are indications that it presents irregularities in its content or in its form, or whose authenticity cannot be verified, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility will retain the document to carry out the respective skills or verifications. If as a result of the verifications it is established that the document or documents present irregularities, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility will retain the document, deny the visa application of the foreign person or persons who have presented the document or documents, as appropriate; and, will proceed to initiate the corresponding legal actions.

**Article 57.- Change of migratory category.-** Foreigners who have a current migratory category and who wish to change it, may request said change before the administrative body of the Ministry of Foreign Affairs and Human Mobility closest to their home or to the place where they live where they are.

### **Section III**

#### **Resident people**

**Article 58.- General considerations.-** In order to obtain resident visas, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, regarding the general requirements established in the Organic Law of Human Mobility, will consider the following:

1. The foreign person in Ecuador must register their entry at one of the official immigration control points and be in regular immigration status, or processing the renewal of their immigration category and have an appointment for renewal.
2. The foreign person must submit the request for the granting of a temporary or permanent visa, accrediting the passport, travel document or valid and current identity. Prior to granting the visa, the applicant must present a valid passport with a minimum validity period of six (6) months, and in exceptional cases an official identity document issued by the country of origin, with the same validity.
3. If through a report sent by the competent authority it is known that a foreign visa applicant is considered a threat or risk to internal security, for being linked to criminal organizations or similar situations, according to the information available in the Ecuadorian State, the human mobility authority will deny the request and file the file due to the discretionary power that the Ecuadorian State has to grant or deny a visa to a foreign person and will notify the immigration control authority to start the procedure corresponding administrative

If during the documentary review, the human mobility authority considers it necessary, it may request the criteria of other competent institutions. The exercise of discretionary powers will observe the individual rights of people and the duty of motivation, so the refusal must be supported and the applicant must receive information on the reasons why it is considered a threat or risk to security. internal state.

4. Certificate of not registering a criminal record of the country of origin or in which he had resided during the last five years, duly translated into Spanish, and if applicable, apostilled or legalized, as appropriate. For these documents, one hundred and eighty (180) days of validity will be taken into account, counted from the date of issuance of the certificate until the last entry of the interested party into the country. The certificates issued by federal governments will be valid as long as they include the criminal record at the national level.

For the application for permanent residence or renewal of temporary residence, the foreign person who has remained in Ecuador as a resident for a minimum and continuous period of twenty-one (21) months, will present the criminal record certificate, issued by the government entity competent Ecuadorian; without prejudice to the fact that the competent body of the Ministry of Foreign Affairs and Human Mobility reviews additional information available to the Ecuadorian State.

For the presentation of the certificate of not registering an Ecuadorian criminal record, the time spent outside the country may not exceed 90 cumulative days during the entire validity of your visa.

Regarding the certificates that reflect the existence of a criminal record, the competent body of the Ministry of Foreign Affairs and Human Mobility may require more information. To do this, they will summon the foreign person to an interview in which they must justify, with documents, the reasons for which they have a criminal record. Once the interview is concluded, a report will be made that will contain the decision of the authority to grant or deny the visa, based on the provisions of the Organic Law of Human Mobility, regarding the power that the Ecuadorian State has to grant or deny a visa. visa to a foreign person. The exercise of discretionary powers will observe the individual rights of people and the duty of motivation, so the refusal must be supported and the applicant must receive information about said decision.

5. Prove the lawful livelihoods that allow the subsistence of the applicant and their dependent family group, in accordance with the protocol issued by the human mobility authority.
6. The Ministry of Foreign Affairs and Human Mobility will set the amount to be paid for the issuance of temporary and permanent resident visas, consistent with the respective regulations issued for this purpose.

Applicants for international protection and refugees and/or stateless persons are exempt from these requirements, who will be governed by the provisions of the Organic Law on Human Mobility, this Regulation and the secondary regulations developed for this purpose by the human mobility authority. .

The required documentation that accredits the category for which the foreign person applies, will be determined by this Regulation.

Every document issued by a foreign authority must be apostilled, if it was issued in a country that is part of the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement.

If the original document was issued in a language other than Spanish, it must be translated by an authorized professional.

**Article 59.- Identity card order for the first time and renewal.-** The authority that issued the visa in Ecuadorian territory will deliver in the same act the corresponding identity card order to the applicant, which may be issued physically or electronically, and must be presented by its holder before the authority of Civil Registry, Identification and Cedulation, so that it issues the identity card for foreigners for the first time.

For cases of renewal of the identity card, the identification order will be issued after the presentation of the following requirements:

1. Valid passport or identity document issued by the country of origin, on which the visa was issued by the Ecuadorian State, valid with a minimum validity period of six months.

In exceptional cases, and prior to the issuance of secondary regulations for this purpose or when the visa is valid but the passport has expired after the issuance of the migratory category, the validity period of the identity documents may be different from six months.

2. Copy of the visa; and,
3. Proof of the validity of the fact that justified the granting of the visa or the bond of consanguinity or affinity by virtue of which it was granted.

The identity card order will state that the period of validity of the identity card for foreigners will be the same as the migratory category granted.

In the case of visas granted abroad, the identification order will be requested in Ecuador before the competent body of the Ministry of Foreign Affairs and Human Mobility.

If there is information that cannot be verified internally, it will be required from the applicant.

Except where appropriate, the requirements set forth in this article for persons recognized as subjects of international protection by the Ecuadorian State, for which the corresponding protocol will be carried out.

#### Section IV

#### temporary residence visa

**Article 60.- General considerations for temporary residence visas.-** The foreign person requesting a temporary residence visa must present, in addition to the general requirements contemplated in the Organic Law of Human Mobility, the official documentation that accredits the category for which applies, in accordance with the specific requirements established in this Regulation, international instruments to which Ecuador is a party and any other regulations issued by the Ministry of Foreign Affairs and Human Mobility.

**Article 61.- Work for labor activities under a dependency relationship.-** The foreign person may request the category of work to carry out labor activities under a dependency relationship in the public or private sphere, before the competent administrative body of the Ministry of Foreign Affairs and Mobility Human.

For this purpose, in addition to the general requirements contemplated in the Organic Law of Mobility Humana, the applicant will be required to comply with the following:

- a) Personnel action or employment contract issued by a public entity or private employer, respectively;
- b) Proof of registration of the employment contract with the competent labor authority; and,

- c) Certificate that the employer has no pending obligations with the Internal Revenue Service, the Ecuadorian Social Security Institute and the Superintendence of Companies, issued by the competent authority in each case.

The administrative body of the Ministry of Foreign Affairs and Human Mobility will verify that the employer maintains sufficient economic resources to fulfill the contractual obligations that it has with the foreign person hired. Also, if necessary, you can call an interview with the employer and worker in cases where you need to complement the information presented in the visa application.

For the application of the preceding paragraph, the human mobility authority and the Ministry of Labor will issue the respective protocol.

For the renewal of this migratory category, the certificate of affiliation to the social security system must be presented, with which the date of affiliation of the employee will be verified.

**Article 62.- Self-employment, professional, civil, consulting or sponsorship services.-** The foreign person may request the category of self-employment, professional, civil, consulting or sponsorship services, before the administrative body authority of the Ministry of Foreign Affairs and Human Mobility.

In addition to the requirements set forth in the Organic Law of Human Mobility, to apply for this migratory category in Ecuador, the foreign person must be the holder of a migratory category of tourist, residence or a visa for acts of commerce and must also present one of the following, as the case may be:

1. Recognition of signatures before a Notary Public of the professional, civil services contract the consulting;
2. Single Taxpayer Registry – RUC, only applicable to those persons who hold a resident migratory category at the time of applying for the change of category; or,
3. Operating permit granted by a Decentralized Autonomous Government for the development of economic activities.

For applications for this visa abroad, a prior visa will not be required to apply for this immigration category.

Notwithstanding the aforementioned, the foreign person holding a tourist visa may not carry out activities other than tourism, until they have changed to the new migratory category.

For self-employed workers, they must also attach a sworn statement before a notary public with photographic evidence of the self-employment activity that they are going to carry out; or you can attach the certificate of the property registry of the canton where the real estate where you carry out the activity is located, if the property is your property; or, if the real estate is leased, you may attach the registration of the lease registration before the corresponding decentralized autonomous government.

For those workers of foreign companies duly domiciled in Ecuador, who enter the country to carry out temporary specialized and technical activities in subsidiary Ecuadorian companies or branches of said parent foreign companies, they must present a letter of sponsorship duly legalized or apostilled according to the country of origin. corresponding.

The letter of sponsorship or transfer must indicate: i) the time for which the foreign person will remain in Ecuador; ii) the activities to be carried out by the foreign person; iii) that the amount of salary, social security benefits, and other labor rights are covered by the parent company abroad; and, iv) sworn statement that the foreign person does not maintain a dependency relationship with the local company or branch in Ecuadorian territory.

The letter of sponsorship or transfer will allow said foreign person to carry out the activities detailed in it.

**Article 63.- Rentista.-** The foreign person may request the category of rentista before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility.

For the issuance of the annuitant category, in addition to the general requirements contemplated in the Organic Law of Human Mobility, you must present the documents that certify the monthly income of legal income in a personal capacity abroad or in Ecuadorian territory, such as contracts of lease, investment securities and other similar, equal to or greater than (3) three Unified Basic Salaries of the worker in general, which must be apostilled if they have been issued in a country party to the Hague Apostille Convention; and, legalized if they have been issued in a country that is not a party to said agreement.

Additionally, you must present valid national or foreign health insurance for the same period of the visa. In case of being contracted with a foreign company, the policy or the contract must indicate that it has coverage in Ecuador.

In order for the holder of this category to protect other people, they must justify additional monthly income of two hundred and fifty (250) US dollars for each person covered.

**Article 64.- Rentier for remote work.-** The temporary residence visa of rentier for remote work will be granted to foreigners who have their own company or work for one or several legal or natural persons domiciled abroad, to carry out professional activities or services, remotely, digitally, or telecommuting. In addition to the essential requirements determined in the law, the foreign applicant must meet the following specific requirements:

1. Demonstrate income from a foreign source of at least three (3) Unified Basic Salaries per month, of the three (3) months prior to the visa application, or have a total of thirty-six (36) Unified Basic Salaries per each year, for which the foreign person must attach copies of their international account statements where said income is reflected;
2. Attach documents that show that the visa applicant works or provides services for a foreign employer, client or company, domiciled abroad, to carry out



autonomous or dependent professional activities remotely, digitally or telecommuting.

Anyone who presents documentation showing that they own a business or company registered and domiciled abroad may also apply for this visa;

3. Nationals of the countries on the list that, for this purpose, will be prepared by the Ministry of Tourism, may apply for this visa; and,

4. Health insurance under the terms established in the article referring to the temporary resident of Rentier.

Once the procedure is finished and the electronic visa is issued, the foreign person will physically submit to the administrative body that granted the visa, within one (1) month, all the documents that motivated its issuance. Failure to comply with this obligation will be understood as the facts that justified the granting of the visa have disappeared and, therefore, the human mobility authority may cancel it ex officio.

Once the original documents have been received and if irregularities or lack of any document are evidenced from the review and contrast, the facts that justified the granting of the visa will be considered as having disappeared and the cancellation will be initiated ex officio, without prejudice to civil actions and penalties resulting from said act.

**Article 65.- Retiree.-** The foreign person may request the category of retiree before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility.

For the issuance of the retired category, in addition to the general requirements contemplated in the Organic Law of Human Mobility, the official support document that accredits the retired category must be presented, granted by the competent institution abroad that certifies the monthly payment of the pension from abroad for retirement in favor of the applicant, equal to or greater than three Unified Basic Salaries of the worker in general. This document must be apostilled if it was issued in a country that is part of the Hague Apostille Convention; and, legalized if it has been issued in a country that is not a party to said agreement.

Additionally, you must present valid national or foreign health insurance for the same period of the visa. In case of being contracted with a foreign company, the policy or the contract must indicate that it has coverage in Ecuador.

In order for the holder of this category to protect other people, they must justify additional monthly income of two hundred and fifty (250) US dollars for each person covered.

**Article 66.- Investor visa.-** The foreign person may apply for an investor visa before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility.

For the issuance of the investor category, in addition to the general requirements contemplated in the Organic Law of Human Mobility, the presentation of one of the following requirements will be required:



- a) Title, policy or certificate of deposit for a minimum term of seven hundred and thirty (730) days, dematerialized, issued by a credit entity recognized by the Superintendency of Banks or Superintendence of Popular and Solidarity Economy that maintains an agreement on the dematerialization of securities with the Central Bank of Ecuador, for an amount not less than one hundred (100) Unified Basic Salaries of the worker in general;
- b) Deed of sale of a property located in national territory, in which it appears as the sole owner of the property, registered in the Property Registry of the respective canton, whose amount is not less than one hundred (100) Unified Basic Salaries. If there are several owners in the deed, the part corresponding to the visa applicant, expressed in rights and shares, aliquots or in other forms, must have a value of not less than one hundred (100) Unified Basic Salaries of the worker in general.

Once the visa is approved, the foreign person will be given the official letter with the marginalization instruction for the Property Registrar of the canton where the real estate is located, indicating that this constitutes the fact that justified the issuance of the visa. owner's visa and therefore cannot be disposed of for the duration of the visa. The visa will be issued after the presentation of the updated lien certificate, with the respective marginalization;

- c) Document that proves the ownership of shares or participations in an Ecuadorian company, for an amount not less than one hundred (100) Unified Basic Salaries duly registered in the Superintendence of Companies, Securities and Insurance. Once the visa is approved, the foreign person will be given the official letter with the registration instruction for the Superintendence of Companies, Securities and Insurance, in which it is indicated that said actions constitute the fact that justified the issuance of the owner's visa and therefore therefore, they cannot be disposed of for the duration of the visa. In the case of participations, the official letter will be for the registry of the competent property. For actions in financial institutions, the official letter will be for the Superintendence of Banks or the Superintendence of Popular and Solidarity Economy, as appropriate. With the presentation of the respective certificate, the visa will be issued;
- d) Copy of the public deed of the investment contract signed with the Ecuadorian State, current;
- e) Copy of the contract of delegated management signed with entities of the central or decentralized autonomous governments, in force; or,
- f) Copy of administrative contract of any nature, which are signed with the State.

For the purpose of granting the visa, the human mobility authority may request the respective validation of the validity of the contracts indicated in subparagraphs d), e) and f) from the governing entity in matters of investment; or to the contracting state entity.

Failure to comply with the obligation to maintain the investment for the duration of the visa will be grounds for cancellation.

When the cancellation of the migratory category of investor is requested, the competent body of the Ministry of Foreign Affairs and Human Mobility will issue an official letter to the respective authority, authorizing the release of the investment.

**Article 67.- Renewal of the investor visa.-** To renew this visa, only the presentation of the following requirements will be required:

- a) Documents that support the goods or economic resources;
- b) Copy and original of the valid and current passport;
- c) Renewal request; and,
- d) Visa form.

The authority responsible for issuing the visa must verify the accuracy of the information and documentation submitted by the applicant.

If there is information that cannot be verified internally, it will be required from the applicant.

**Article 68.- Of the substitution of the investment.-** The foreign person may request the substitution of the investment that initially supported his visa, as long as the substitute investment complies with the minimum amount established for the issuance of the visa. To replace the investment, the foreign person will be granted a term of sixty (60) days, counted from the date on which the competent administrative body of the Ministry of Foreign Affairs and Human Mobility issues the official letter authorizing the substitution. .

In the event that the investment consists of real estate, substitution may be requested, as long as the substitute real estate complies with the minimum amount established. For the substitution of the investment, the foreign person will be granted a term of sixty (60) days, counted from the date on which the competent authority of the Ministry of Foreign Affairs and Human Mobility issues the official letter in which the substitution is authorized. . The same will apply to the investments provided for in subparagraphs d), e) and f) of the article corresponding to the issuance of the investor visa.

**Article 69.- Legal representatives of legal persons, or administrative management positions.-** All those foreign persons who hold positions of legal, commercial or other similar representation in companies and/or companies will be understood to be included in the category of investor. nationals or foreigners, who have a minimum share capital of 100 Unified Basic Salaries (SBU), for which the following requirements must be presented, in addition to the requirements contemplated in the Organic Law of Human Mobility:

- 1. In the case of legal representative, administrative or related management positions, of national companies, foreign companies domiciled in Ecuador or branches of foreign companies established in the country:** The appointment must be duly registered in the commercial registry or in the of the property, as the case may be;
- 2. For the General or Special Attorney:** Power granted by the company for the execution of commercial activities or representation in Ecuador. Additionally, the company

it must be registered with the Superintendence of Companies, Securities and Insurance, and register the respective power of attorney in the commercial registry;

3. **For the commercial representative:** Power of attorney issued by the national or foreign legal person in favor of the commercial representative, duly apostilled if it was issued in a country that is part of the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement.

The visa will be issued for the same period of the appointment, contract or power of attorney of the legal representative, general or special attorney or commercial representative, respectively, and will be valid for a minimum of one hundred and eighty-one (181) days and a maximum of two (2) years.

**Article 70.- Marine crew.-** The foreign person who is part of the team of special, commercial or industrial vessels, dedicated to their maneuvers and service, must present, in addition to the general requirements contemplated in the Organic Law of Human Mobility, the following:

- a) Employment contract or sponsorship letter;
- b) Fishing permit or similar, granted by the national fishing authority; or,
- c) Documents that prove the legal permanence in the country of the vessels in which the crew work.

Additionally, unequivocal accreditation of crew member status will be required, which must be stated in the crew's role, the departure date and the employment contract.

For the renewal of this visa, in addition to the general requirements set forth in the Organic Law of Human Mobility, those required for its granting for the first time must be presented.

**Article 71.- Scientist, researcher or academic.-** The foreign person may request the category of scientist, researcher or academic, before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, presenting more than the general requirements contemplated in the Law Organic Human Mobility, the following:

- a) Document signed by the competent authority of the public entity, representative of the private educational entity, describing the project to be carried out and the justification for the need to hire the foreign person;
- b) Work contract, agreement or other document that certifies the status of the applicant signed by the public or private entity, due to their specialty;
- c) Professional title related to the activity that will be carried out in Ecuadorian territory, registered with the competent Ecuadorian authority, or accreditation of experience in the subject matter of the project; and,
- d) Personnel action and/or appointment of the legal representative of the contracting entity, registered before the competent authority, as appropriate.

**Article 72.- Athlete, artist or cultural manager.-** The foreign person may request the category of athlete, artist or cultural manager before the competent administrative body of the Ministry

of Foreign Relations and Human Mobility, presenting to more than the general requirements contemplated in the Organic Law of Human Mobility, the following:

- a) Contract or agreement by virtue of which it is linked to an institution, sports club, production company, non-governmental organization, or other organization related to this category, whose headquarters are legally constituted in Ecuadorian territory; and,
- b) Documents of constitution and operation of the contracting legal person.

In the event that the foreign person, under this migratory category, enters the country to act as a general attorney or legal representative of an institution, sports club, production company, non-governmental organization, or other organization related to this category, they must present:

- i) General power of attorney or appointment of legal representative granted in favor of the foreign person, duly registered with the competent authority;
- ii) Deeds and legal acts of constitution of the institution, sports club, production company, non-governmental organization, or other related to this category; and, Certificates that prove that the institution, sports club, production company, non-governmental organization, or other organization related to this category, is up to date with its obligations with the Internal Revenue Service and the Ecuadorian Social Security Institute.

**Article 73.- Religious or religious volunteer of an organization with legal status recognized by Ecuador.-** The foreign person may request the migratory category of religious or religious volunteer of an organization with legal status recognized by Ecuador, before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, submitted to more than the general requirements contemplated in the Organic Law of Human Mobility, the following:

- a) Petition signed by the legal representative of the institution or organization, addressed to Ministry of Foreign Affairs and Human Mobility, detailing the activities to be carried out by the foreign person based on the object or mission of the religious entity;
- b) Certified copy of the statute conferred by the competent authority;
- c) Affidavit stating that the beneficiary will provide his services as a religious or religious volunteer, free of charge in the institution or organization and that he will not carry out other activities in a dependency or autonomous relationship; and,
- d) Appointment of the legal representative of the entity, duly registered with the authority correspondent.

**Article 74.- Volunteer, missionary.-** The foreign person may request the category of volunteer before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, presenting more than the general requirements contemplated in the Organic Law of Human Mobility, the following:

- a) Petition signed by the legal representative of any of the non-governmental organizations or institutions legally constituted and recognized by the Ecuadorian State, addressed to the

Ministry of Foreign Affairs and Human Mobility, detailing the activities to be carried out by the volunteer based on the company name and the statutes of the sponsoring organization and the commitment to cover the expenses of the foreign person's stay;

- b) A sworn statement stating that the volunteer will provide their services free of charge in any of the non-governmental organizations or legally constituted institutions and that they will not carry out other activities in a dependency or autonomous relationship;
- c) Appointment of the legal representative of the sponsoring entity registered with the authority competent; and,
- d) Documents that support the operation of the non-governmental organization or institution sponsor, legally constituted and recognized by the Ecuadorian State.

For the missionary volunteer, the following requirements must be met:

- i) Petition signed by the legal representative of the religious institution or organization, addressed to Ministry of Foreign Affairs and Human Mobility, detailing the activities to be carried out by the foreign person based on the object or mission of the religious entity;
- ii) Certified copy of the statute conferred by the competent authority;
- iii) Sworn statement stating that the beneficiary will provide his services as a missionary volunteer, free of charge in the religious institution or organization and that he will not carry out other activities in a dependency or autonomous relationship; and,
- iv) Appointment of the legal representative of the entity, duly registered with the authority correspondent.

**Article 75.- Student.-** The foreign person may request the category of student before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, presenting more than the general requirements contemplated in the Organic Law of Human Mobility, the following:

Enrollment or admission certificate in an Ecuadorian educational institution legally accredited by the competent body, which certifies the quality of a regular student in basic, secondary, undergraduate, postgraduate education in public or private educational establishments, or in institutions teaching the official languages of the country. Ecuador, officially recognized in the country; or, to carry out pre-practices professionals or professionals.

The period of validity of the granted visa will have the same duration as that of studies or pre-professional or professional practices, without exceeding two years.

For the renewal of this migratory category, it will be necessary to present the updated requirements, related to their studies or pre-professional or professional practices.

**Article 76.- Professional, technician, technologist or craftsman.-** The foreign person may request the category of professional, technician, technologist or craftsman before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, presenting more than the general requirements contemplated in the Organic Law of Human Mobility, the following:

1. Professional title, technician or technologist title, apostilled if it was issued in a country that is part of the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement; and,
2. Registration of the professional title, technician or technologist title before the national authority qualified.

The competent body of the Ministry of Foreign Affairs of Human Mobility will carry out the corresponding verifications.

In the case of foreign persons who have the quality of artisans, they must submit to the human mobility authority the registration of their activity before the competent entity in Ecuador and its validation before the National Artisan Defense Board.

**Article 77.- Resident by agreement.-** Foreigners who request a category under an international agreement or instrument to which Ecuador is a party, will be governed in accordance with the provisions of said instrument.

**Article 78.- Government, non-governmental organization and foreign press cooperators.-** To apply for this migratory category, officials, experts, members or consultants of foreign governmental or non-governmental organizations, who have signed a headquarters or basic operating agreement with the Ministry of Foreign Affairs and Human Mobility, and that are legally established in the country; as well as foreign press correspondents residing in Ecuadorian territory, in addition to the requirements set forth in the Organic Law of Human Mobility, these foreigners must present the following:

1. Copy of the current headquarters or basic operating agreement, signed between the Ministry of Foreign Affairs of Ecuador and the sponsoring organization;
2. Certificates that prove that the foreign governmental or non-governmental organization is up to date with its obligations with the Internal Revenue Service and the Ecuadorian Social Security Institute, if applicable; and,
3. Original official letter of sponsorship to obtain a "temporary residence visa for government aid workers, non-governmental organizations and foreign press" signed by the representative or legal representative in Ecuador or the Director or President of the headquarters of the sponsoring Organization, specifying the payroll, functions related to the objectives of the Agreement and length of stay of the sponsored person(s).

For foreign press correspondents, in addition to the requirements set forth in the Organic Law on Human Mobility, the presentation of the letter of accreditation from the General Secretariat of Communication of the Presidency will be required.

The respective rate for this type of visa will correspond to that determined in the Consular Tariff and Diplomatic.

**Article 79.- Protection.-** The holder of a temporary residence visa may request this category of protection for their children, spouse or partner in a duly recognized de facto union, before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, presenting In addition to the general requirements contemplated in the Organic Law of Human Mobility, the documents that, in accordance with the Organic Law of Identity Management and Civil Data, allow to determine the affiliation or the marital bond or the de facto union, as the case may be. , between the beneficiary of the protection with the holder of the temporary residence visa.

If this is the case, these documents will be apostilled if they have been issued in a country that is part of the Hague Apostille Convention; or, legalized if they have been issued in a country that is not a party to said agreement, or failing that, by means of an affidavit, when there is a demonstrable impediment to accessing the corresponding apostille or legalization.

The validity of the category of protection will depend on the validity of the temporary residence visa of the foreign person in whom the applicant is protected, and may be renewed according to the renewal of the temporary residence visa of the protected person, complying with all the requirements stipulated in this section.

The person protected must justify additional monthly income of two hundred and fifty (250) US dollars for each child of legal age who is protected.

**Article 80.- International protection.-** The competent authority will issue an international protection visa to the person recognized as a refugee and/or stateless person.

For the issuance of this visa, the requirements set forth in article 64 of the Organic Law of Human Mobility are excepted in what corresponds to persons recognized as refugees and/or stateless persons; however, in case of having any document that proves identity, the person must present it.

Once the validity period of the international protection visa has elapsed, the person recognized as a refugee and/or stateless person may renew it until they meet the requirements for permanent residence in the country.

The waiver of the international protection visa to access a temporary or permanent residence visa will not affect refugee status and consequently the principle of non-refoulement.

#### Section V

#### Exception temporary residence visa

**Article 81.- Exception temporary residence visa.-** The human mobility authority or its delegate will grant exception temporary residence visas for particular cases, when deemed necessary.

For this purpose, the foreign person must meet the requirements set forth in the Organic Law of Human Mobility and the requirements that the human mobility authority considers necessary for its granting.

For extraordinary regularization processes, compliance with the essential requirements provided for in the Law will not be required. In these cases, it will be the Human Mobility authority that determines the applicable requirements.

To apply for this visa, the applicant must not be eligible to apply to another immigration category.

**Article 82.- Requirements and procedure for obtaining the temporary residence visa of exception, outside the framework of extraordinary regularization promoted by the human mobility authority.-**

The foreign person will present a duly motivated request before the human mobility authority in the that describes the exceptional reasons for which you request this migratory category. The request must be accompanied by the requirements set forth in the Organic Law on Human Mobility.

The competent administrative body of the Ministry of Foreign Affairs and Human Mobility that received the request will prepare a report, in which it will verify the alleged facts and the fact that the foreign person does not qualify to apply to another migratory category. Prior to the issuance of the report, and when the authority deems it necessary, the foreign person will be asked to present additional documentation. The report will contain the pertinent recommendation.

Based on the report, the Vice Minister of Human Mobility or his delegate will authorize, if applicable, the issuance of the visa.

The administrative body that received the application for this migratory category will notify the applicant of the decision adopted and, if applicable, will instruct them to continue the process, in accordance with the ordinary procedure. The exercise of discretionary powers will observe the individual rights of people and the duty of motivation, so the refusal must be supported and the applicant must receive information on the reasons why their visa was not issued, in order to remedy requirements if applicable.

## **Section VI**

### **Permanent Resident Visa**

**Article 83.- Permanent residence visa.-** To obtain the permanent residence visa, the foreign person must meet one of the following conditions:

1. Prove twenty-one (21) continuous months of permanence in Ecuador, as a resident, and submit the visa application, prior to the expiration of the residence that you have obtained;
2. Having contracted marriage or maintained a legally recognized de facto union with a person Ecuadorian or foreigner with permanent residence;
3. Being a minor foreigner or person with a disability who depends on an Ecuadorian person or a foreigner who has permanent residence; or,



4. Being a relative up to the second degree of consanguinity or affinity of an Ecuadorian citizen or a foreign citizen with permanent residence in Ecuador.

**Article 84.- Application for permanent residence for compliance with twenty-one (21) months as a resident.-** The application to apply for a permanent resident visa for having completed the minimum period of twenty-one (21) continuous months as a resident, established in the Law Organic Human Mobility, may be submitted to the competent administrative body of the Ministry of Foreign Affairs and Human Mobility.

Once the request of the foreign person has been received, accompanied by the requirements indicated in the Organic Law of Human Mobility and this Regulation, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility will verify that the foreign person maintains the fact that caused the granting of residence visa and has completed the minimum period of twenty-one (21) months of continuous residence and that the application has been submitted prior to the expiration of the validity of the migratory category of which he is the holder.

The foreign person holder of a temporary resident visa who changes activity, employer or sponsor, in such a way that it affects the fact that motivated the granting of his visa, will have thirty (30) days term to request a new temporary residence visa. , according to the activity carried out, in order to maintain the period of continuous permanence provided for in this article.

For purposes of continuity of permanence, the foreign person may not be absent from the country for more than ninety (90) days during the entire period of validity of their temporary residence visa.

**Article 85.- Application for permanent resident visas due to marriage or de facto union.-** The foreign person who requests a permanent residence visa due to marriage or de facto union, celebrated with an Ecuadorian or foreign person with permanent residence, must present to accredit this condition, in addition to the general requirements contemplated in the Organic Law of Human Mobility, the following:

- a) Marriage certificate issued by the civil registry authority in the event that it was celebrated in the country. If you have contracted marriage abroad, it must be registered in Ecuador. In the case of de facto union, it must be registered with the civil registry authority; and,
- b) Attend an interview before the competent administrative body of the Ministry of Foreign Affairs Exteriors and Human Mobility.

If there is information that cannot be verified internally, it will be required from the applicant.

The foreign person who has contracted or celebrated marriage or de facto union with an Ecuadorian person or a foreigner with permanent residence in a simulated manner and with the sole purpose of obtaining a migratory category to settle in the country, will be sanctioned in accordance with what is established

in the Organic Law of Human Mobility and your visa will be revoked, without prejudice to other legal responsibilities.

**Article 86.- Permanent resident visas for minors or persons with disabilities dependent on an Ecuadorian or foreign person with permanent residence.-** In the case of foreign minors or persons with disabilities who depend on an Ecuadorian person or a foreigner that has permanent residence, the person on whom they depend must submit to accredit this migratory category, in addition to the general requirements contemplated in the Organic Law of Human Mobility, the following:

- a) Birth certificate issued by the competent authority that justifies the age, and if applicable, the relationship. This document must be apostilled if it was issued in a country that is part of the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement; or failing that, by means of an affidavit, when there is a demonstrable impediment to accessing the corresponding apostille or legalization;
- b) In the case of foreign persons with disabilities, a document that certifies the condition of disability issued by the Ministry of Public Health of Ecuador; and, the disability card;
- c) Legal representation of the foreign minor or person with a dependent disability, when they are not within the second degree of consanguinity or affinity or do not have any relationship with the protected person; and,
- d) When the legal representation of the foreign person who is a minor or with a disability is not exercised by the person on whom he/she depends, he/she must present a power of attorney granted by the legal representative in which he/she is authorized to apply for the visa.

**Article 87.- Permanent residence visas for relatives up to the second degree of consanguinity or affinity.-** The foreign person with kinship up to the second degree of consanguinity or affinity of an Ecuadorian citizen or a foreign citizen with permanent residence in Ecuador, must present more than the general requirements contemplated in the Organic Law of Human Mobility, the documents that allow determining the kinship between the applicant with the Ecuadorian or foreign person, according to the current regulations on the matter.

If this is the case, these documents will be apostilled if they have been issued in a country that is part of the Hague Apostille Convention; and, legalized if they have been issued in a country that is not a party to said agreement. If the original documents were issued in a language other than Spanish, they must be translated; or, failing that, by means of an affidavit, when there is a demonstrable impediment to accessing the corresponding apostille or legalization.

To protect relatives in the first degree of consanguinity who are minors or adults who are university students or disabled, the protector must justify legal means of living in accordance with the protocol issued for that purpose by the human mobility authority.

For the other cases of protection provided for in this article, the person under protection must justify, in addition to legal means of living in accordance with the protocol issued for this purpose by the human mobility authority, additional monthly income of two hundred and fifty (250) US dollars for each person protected.

The beneficiary of the protection may not benefit from the provisions of this article to protect their relatives.

## Section VII

### Diplomatic Visa

**Article 88.- Diplomatic visas.-** They will be granted to diplomatic agents, consular, administrative, technical officials, international organizations, or technical assistance or official cooperation agencies; to the military, naval, air and police attaches, who are assigned to perform functions in Ecuador, by the State of which their officials are or by the body to which they belong. The request will be made through diplomatic or official channels.

The issuance of diplomatic visas will be subject to the provisions of the Organic Law of Human Mobility and more pertinent norms of Ecuadorian legislation, to the bilateral instruments signed between Ecuador and other countries, as well as to international regulations, and of it, especially to what is established in the Vienna Conventions on Diplomatic and Consular Relations.

For this purpose, without prejudice to the aforementioned provisions, the Ministry of Foreign Affairs and Human Mobility will issue the respective ministerial agreement, which will contain the subjects of admission, requirements, procedure, granting, validity, renewal, revocation, cancellation and termination and other aspects inherent to diplomatic visas.

**Article 89.- Request for diplomatic visa.-** Diplomatic or consular missions, international organizations and technical assistance or official cooperation organizations must request the visa and subsequent accreditation of the official, and his family, dependents within one of the diplomatic or consular categories. ; or accreditation as administrative or technical staff, attaché offices, cooperators or volunteers accredited to a diplomatic mission, consular office, international organizations, technical assistance or cooperation. The applicant must have a diplomatic, official, ordinary or *laissez-passer* passport, valid for at least six months from the moment the diplomatic visa is granted, in accordance with article 88 of these Regulations.

**Article 90.- Issuance of temporary diplomatic visa.-** The Ministry of Foreign Affairs and Human Mobility, through the Directorate of Ceremonial and Protocol, will have the competence exclusively, to grant, deny, revoke or cancel diplomatic and/or courtesy visas.

Once the visa is granted, the Ministry of Foreign Affairs and Human Mobility will request the issuance of an identity card with the same validity as the visa granted from the Civil Registry, Identification and Identification authority.

## Section VIII

### Humanitarian Visa

**Article 91.- Humanitarian visa.-** The humanitarian visa will be granted free of charge to applicants for refugee status or statelessness, to people who demonstrate the existence of exceptional reasons of a humanitarian nature for being victims of natural or environmental disasters, victims human trafficking and others that are determined by the human mobility authority.

Without prejudice to the specific requirements and conditions that each humanitarian visa procedure may determine, the foreign person must meet the following general requirements:

1. Visa application form;
2. Valid and current passport or travel or identity document, recognized through international instruments; or, any document or suitable means that proves the identity of the applicant and that allows the issuance of the visa;
3. Not be considered a threat or risk to public security and the structure of the Ecuadorian State, according to the information available to the competent national institutions; and,
4. In the event that the foreign person presents himself with children or adolescents, he must attach, in addition to the valid and current passport or travel document or identity, the birth certificate of each minor accompanying him, duly apostilled in in case of having been issued in a country party to the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement.

The holders of these visas will be able to carry out all types of legal activity permitted by Ecuadorian legislation.

**Article 92.- Humanitarian visa for applicants for refugee status and/or statelessness.-** The humanitarian visa for applicants for refugee status and/or statelessness will be valid for one hundred and eighty (180) days, extendable until it has the final resolution of the request by the Refugee and Statelessness Commission.

For this, prior to its granting, the administrative unit in charge of refuge and statelessness, within fifteen (15) days, will issue the administrative resolution recommending the granting of the humanitarian visa, which will be issued by the Vice Ministry of Mobility. Humana or its delegate.

If the condition of subject of international protection is denied, the human mobility authority will cancel the humanitarian visa in the same act, and will notify the foreign person that they must regularize their migratory condition within thirty (30) days, or accept the voluntary abandonment of the country provided for in the Organic Law of Human Mobility and this Regulation.

The notification issued by the human mobility authority referred to in the previous paragraph, will grant regular permanence for the indicated period.

**Article 93.- Protection visa for humanitarian reasons for victims of natural and environmental disasters.-** In order for the foreign person to apply for this migratory category, the country affected by the natural or environmental disaster must request, using official channels, assistance

international humanitarian to the Ecuadorian government, which through the competent institution may accept said request.

Once the request for international humanitarian assistance has been accepted, and the will of the Ecuadorian State has been expressed to grant the humanitarian visa for natural and environmental disasters, the foreign person and their dependent relatives up to the second degree of consanguinity and first of affinity, may request a humanitarian visa by a period of up to two (2) years, which may be renewable until the reasons that gave rise to its concession cease.

The visa will be extended to foreign citizens of other nationalities who reside in the affected country and are dependents of the holder of the humanitarian visa within the ranges of consanguinity and affinity described in this article.

**Article 94.- Humanitarian visa for victims of human trafficking.-** The Ministry of Foreign Affairs and Human Mobility, at the request of the Ministry of Government, will grant foreign victims of human trafficking a humanitarian visa, in accordance with the following procedure:

The Ministry of Government, once the case of a foreign victim of trafficking in persons who requires migratory regularization in Ecuador is known, will convene the Case Coordination Team to the Protection of Victims of Trafficking in Persons and Smuggling of Migrants of the Inter-institutional Committee, which will technically analyze the documentation of the case and, through a reasoned act, adopted by a simple majority, will establish the need to grant a humanitarian visa.

The Ministry of Government will request a humanitarian visa for victims of human trafficking from the human mobility authority, in accordance with the minutes adopted by the Case Coordination Team of the Interinstitutional Committee and other requirements established for this type of visa.

The Ministry of Foreign Affairs and Human Mobility may renew the humanitarian visa, upon request submitted by the foreign beneficiary before the expiration of their visa, as long as the generating event is maintained. For its renewal, the Case Coordination Team for the Protection of Victims of Trafficking in Persons and Smuggling of Migrants of the Inter-institutional Committee must issue its criteria in accordance with the previously established procedure.

**Article 95.- Humanitarian visas determined by the human mobility authority.-** The humanitarian visa may be granted in favor of foreign persons for humanitarian reasons, duly determined by the human mobility authority, through the signing of the respective administrative act, in which The specific requirements for each case and the validity period of the visa will be established.

The holders of these visas may carry out all types of lawful activity permitted by Ecuadorian legislation and change their migratory category, prior to complying with the requirements established in the Law and this Regulation.

#### **Section IX tourist visa**

**Article 96.- Tourist.-** The foreign person who enters Ecuador with the category of tourism, may remain in the country for a maximum period of ninety (90) days, counted from the date on which he made his first entry to the country. Ecuadorian territory in a period of one (1) year. Said entry must be made through one of the legally established migratory control points and it will be the migratory control authority that issues this permanence, a time that may be extended for up to ninety (90) additional continuous days, only once upon request and payment of the respective rate made before the same authority.

The human mobility authority may grant tourist visas to foreigners who request it, either in Ecuadorian territory or at the Consular Offices.

For South American tourists, the period of stay granted by the authority responsible for immigration control will be up to one hundred and eighty (180) days in a one-year period, counted from their first entry.

The foreign person who enters Ecuador as a tourist will not be able to carry out work or economic activities, but will be able to change their migratory category.

**Article 97.- Tourist Visa.-** Foreigners from countries for which Ecuador has established the tourist visa requirement for their entry, must request it at a Consular Office. The tourist visa will have a period of ninety (90) days, counted from the entry into Ecuadorian territory and may be extended up to ninety (90) additional continuous days, by request submitted to the competent administrative unit of the Ministry of Foreign Affairs and Human Mobility. .

For South American tourists, coming from a country that Ecuador requests a visa for, the competent administrative unit of the Ministry of Foreign Affairs and Human Mobility may grant a tourist visa for up to one hundred and eighty (180) days in a period of one year counted from of your first admission.

For the issuance of this visa, the foreign person will present the following requirements:

1. Visa application form;
2. Valid passport with a minimum validity period of six (6) months;
3. Certificate of not registering criminal record of the country of origin or in which he had resided during the last five (5) years. The document must be apostilled if it was issued in a country that is part of the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement. In the event that the original document was issued in a language other than Spanish, it must be translated by an authorized professional;
4. Travel itinerary and round trip tickets;
5. Prove the lawful livelihoods that allow your stay for the authorized time; and,
6. Payment of the fee set by the applicable regulations.

The foreign person holding a tourist visa may change their migratory category but may not carry out work or economic activities until they have obtained a new visa.

**CONSTITUTIONAL PRESIDENT OF THE REPUBLIC****Section X****Visa for acts of commerce and other activities.**

**Article 98.- Acts of commerce and other activities.-** The foreign person may apply for this migratory category before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, presenting the following requirements:

1. Visa application form, accompanied by supporting documents for the activity to be carried out, such as a sponsorship letter from a natural or legal person domiciled in Ecuador; enrollment, registration, or invitation to an event, seminar, workshop, training, sporting event or competition, or international conference;
2. Valid passport with a minimum validity period of six (6) months;
3. Certificate of not registering criminal record of the country of origin or in which he had resided during the last five (5) years. The document must be apostilled if it was issued in a country that is part of the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement.

In the event that the original document was issued in a language other than Spanish, it must be translated by an authorized professional;

4. Prove the lawful livelihoods that allow your stay for the authorized time; and,
5. Payment of the fee set by the applicable regulations.

The applicant must provide contact information: email and telephone number of their counterpart or sponsor in Ecuador so that the authority can verify the documentation provided. If the veracity of the information provided by the foreign person cannot be demonstrated, the visa application will be denied.

**Article 99.- Permanence authorization for acts of commerce and other activities for temporary visitors.-** Without prejudice to the powers of the human mobility authority, exceptionally, the immigration control authority may issue a permanence authorization for thirty (30) non-renewable days. , cumulative within one (1) chronological year, counted from the date of the first arrival of the foreign person in Ecuadorian territory to develop acts of commerce, business and establish contacts with companies and natural persons; to carry out administrative or judicial procedures; and, sports activities, volunteering, study, academic purposes, or in the field of science, technology, innovation, art and culture and others that do not imply an employment relationship.

**Article 100.- Maximum stay for those who entered with authorization to stay.-** In no case may a foreign person remain in Ecuadorian territory as a temporary visitor for more than one hundred and eighty (180) days, in one (1) chronological year, except for non-residents and those with diplomatic or humanitarian visas.



Exceeded one hundred and eighty (180) days in one (1) chronological year, the foreign person who wishes to enter Ecuador must present a visa issued by the competent administrative body of the Ministry of Foreign Affairs and Human Mobility.

#### Section XI Visa by Agreement

**Article 101.- Agreement.-** Foreigners who apply for a visa by virtue of an international agreement or agreement to which the Ecuadorian State is a party, will be governed in accordance with the provisions of the respective international instrument.

In application of the principle of reciprocity, the Ecuadorian State may suspend the application of an Agreement to the nationals of a country that does not apply those provisions to Ecuadorian nationals.

The rate for these visas will be determined in the rate published by the human mobility authority.

**Article 102.- Immigration status of the protected persons in case of the death of the protected person.-** In the cases in which the Ecuadorian or foreign protected person has died, the protected foreign person, in order to preserve their migratory category, will have the obligation to present the death certificate of their guardian before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility that issued the visa, within a term of thirty (30) days, in order to carry out the respective marginalization. Failure to comply with this provision constitutes grounds for cancellation of the visa.

After fulfilling the obligation foreseen in the previous paragraph, the protected person will keep the visa; and, if applicable, you may request a change to the category of permanent residence, as long as you meet the minimum of twenty-one (21) continuous months as a resident, in addition to the requirements set forth in the Organic Law of Human Mobility and this Regulation.

**Article 103.- Immigration status of the protected persons in case of termination of the marriage or de facto union for reasons attributable to the protected person.-** In cases of protection due to marriage or de facto union that end due to causes attributable to the protected person, the protected foreign person, to preserve their migratory category, they will have the obligation to present the marginalized marriage certificate and a copy of the divorce decree before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility that issued the visa, within a term of thirty (30) days, in order to carry out the respective marginalization. Failure to comply with this provision constitutes grounds for cancellation of the visa.

In cases of de facto union without foreign children, the protected foreign person, in order to preserve their migratory category, will have the obligation to present the sub-registered registration certificate granted by the Civil Registry, Identification and Cedula authority and a sworn statement in the stating the causes of the termination of the de facto union, before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility that issued the visa, within a term of thirty (30) days, in order to carry out the respective marginalization. In the event that there are foreign children procreated during the de facto union, you will have the obligation to present a copy of the sentence. Failure to comply with this provision constitutes grounds for cancellation of the visa.



In the event that the protected foreign person contracts a new marriage or registers a new de facto union, they will have the obligation to change their migratory category within a term of thirty (30) days, counted from the date of celebration of the new marriage or new de facto union.

The cases attributable to the protection will be specified in the protocol issued for this purpose by the human mobility authority.

**Article 104.- Immigration status of the protected persons in the event that the protected person has been naturalized.-** In the event that the protected foreign person has obtained Ecuadorian nationality, the protected foreign person, in order to preserve their migratory category, will have the obligation to present the copy of the letter or resolution of naturalization and the documents that justify the subsistence of the fact that motivated the issuance of the protection visa, before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility that issued the visa, in a term of thirty (30) days, in order to carry out the respective marginalization. Failure to comply with this provision constitutes grounds for cancellation of the visa.

## **Section XII** **temporary visitors**

**Article 105.- Transients.-** Foreigners who enter Ecuador with the category of transients, may remain in national territory, with one of the following migratory categories:

1. People in transit, for a maximum time of ten (10) days;
2. Crew member, the permanence time of an international transport crew member within Ecuador will be up to thirty (30) days;
3. Temporary migrant worker or person residing in the border area in accordance with international instruments will be subject to the provisions of the binational agreements or Border Integration Zone; or,
4. Others established by ministerial agreement.

Citizens of any nationality who enter the country as crew members of international transport or to carry out this duly demonstrated activity, will be exempt from presenting a visa.

## **Section XIII** **Change, transfer or renewal of immigration category or visa**

**Article 106.- Generalities on change, transfer and renewal of migratory category.-**

The request for change of immigration category is the procedure by which the foreign person requests a different immigration category than the current one.

The transfer of migratory category is the procedure through which the foreign person requests his transfer to another passport of his ownership, provided that it is justified that he retains the fact that caused the granting of the migratory category.

The renewal of the migratory category is the procedure by which the foreign person requests the same migratory category for a new occasion.

As established by the Organic Law on Human Mobility, temporary residences can be renewed multiple times.

**Article 107.- General requirements.-** The foreign person who has a current migratory category may request its change, transfer or renewal before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, for which it will present the following requirements:

1. Visa change, transfer or renewal application form;
2. Valid passport, with a minimum validity period of six (6) months;
3. The competent administrative body of the Ministry of Foreign Affairs and Human Mobility will verify the migratory movement of the applicant;
4. Applications for change of migratory category must attach the requirements for the migratory category for which it is applied;
5. The payment of the corresponding fee; and,
6. Justify the legal visa means according to the from lifetime certain for every protocol established for this purpose.

If there is information that cannot be verified internally, it will be required from the applicant.

The servers of the Ministry of Foreign Affairs and Human Mobility will not retain the passports of the applicants for change or renewal of migratory category, except when possible irregularities in the content or form of the document are presumed, in order to proceed to carry out the necessary skills or verifications.

**Article 108.- Of the transfer of the migratory category.-** For the transfer of the migratory category, the foreign person must present before the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, the documents that motivated the issuance of his visa.

The constant data in the previous visa will be transferred to another passport of the holder.

Once the transfer request is received, the authority will verify that the migratory category remains valid and will verify that the foreigner has not incurred in any of the migratory infractions provided for in the current regulations.

If the commission of any migratory offense that has not been sanctioned is observed, the applicant will be notified of the individual so that he corrects said offense within a term of ten (10) days.

Corrected the commission of the migratory fault observed within the term of ten (10) days, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, will continue with the transfer. If the foreign person does not rectify the infraction within this term, their request will be deemed withdrawn, after a resolution that must be issued in accordance with the provisions of the respective Law.

If there is information that cannot be verified internally, it will be required from the applicant.

**Article 109.- Renewal of the migratory category.-** For the renewal of a migratory category, the foreign person will submit the respective application to the competent administrative body of the Ministry of Foreign Affairs and Human Mobility, together with the requirements determined in this section. In the event that there is information that cannot be verified internally, the applicant will be notified of the individual so that he may submit the required documentation within a term of twenty (20) days. If the foreign person does not present the documents within this term, their request will be considered suspended, following a resolution that must be issued in accordance with the provisions of the Organic Law of Human Mobility.

**Article 110.- Post-issuance verification of the visa.-** Once the visa is issued and granted, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility may carry out ex post control of the files, declarations and other documents relating to its issuance.

If the subsequent verification finds reasons that justify the cancellation or revocation of the visa, the corresponding administrative procedure will be initiated, without prejudice to the civil and criminal actions that may take place.

**Article 111.- Procedure for the voluntary cancellation of a migratory category.-** The foreign person holding a current migratory category may voluntarily cancel it, presenting the respective form at one of the Consular Offices of Ecuador abroad. In the event that the foreign person has committed any migratory offense provided for in the Organic Law of Human Mobility, prior to the presentation of their request for voluntary cancellation of the visa, they must comply with the corresponding financial or administrative sanction.

The fee for voluntary cancellation will be determined in the fee issued by the human mobility authority.

The foreign person may also request the voluntary cancellation from abroad, through a special proxy.

**Article 112.- Cancellation ex officio in the event that the foreign person has obtained a new migratory category.-** Once the request for a new migratory category has been approved, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility will cancel the current visa ex officio. and will issue the new immigration category without the need for the applicant to carry out additional administrative procedures, or incur additional costs to the costs of the visa category to which he is applying.

**Article 113.- Procedure for cancellation when the facts that justified the granting of the migratory category have disappeared.-** In this case, the following procedure will be followed way:

The competent administrative body of the Ministry of Foreign Affairs and Human Mobility closest to the domicile of the foreign person will receive the request, complaint, report, or any other means that allows knowing such circumstances, and will provide that within twenty (20) days, a report is prepared that allows verifying the facts and indicates the recommendations that may be made.

If sufficient merits are found in the report, the competent administrative body of the Ministry of Foreign Affairs and Human Mobility closest to the domicile of the foreign person, will proceed to notify it with the beginning of the cancellation procedure. If the justifications to substantiate the procedure are not found, the authority will order the filing of the file.

The foreign person holding the visa will have a term of ten (10) days to answer the resolution notified, together with the supporting documents.

With the answer, the authority will resolve within ten (10) days. This administrative act will be notified to the interested party within three (3) days, and he may file the appeals contemplated in the Ecuadorian legal system.

In the event that the disappearance of the facts that justified the granting of the migratory category is not attributable to the holder of the visa, the authority will grant him a period of thirty (30) days so that he can change his migratory category, without payment. of the fine.

**Article 114.- Procedure for cancellation in case of committing a migratory offense.-**

The competent administrative body of the Ministry of Foreign Affairs and Human Mobility will proceed to ex officio cancel a visa of a foreign person in the following cases:

1. When he has reoffended in the practice of acts of a nature other than the migratory category granted; and,
2. When you have been absent from the country for two (2) or more occasions exceeding the periods authorized by the Organic Law of Human Mobility.

Once the cancellation of the visa has been notified, the interested party, within a period of ten (10) days, may file the administrative resources provided for in the Ecuadorian legal system.

In this case of cancellation, the foreign person may follow the regularization procedure due to the termination or cancellation of the visa provided for in this Regulation and the time provided for its regularization will begin to run the day after the notification of visa cancellation is made.

**Article 115.- Cancellation ex officio for permanent residents.-** Cancellation will proceed ex officio when the permanent resident, after the first two years with his visa, has been absent from the country for up to two continuous years.

When, through verifiable mechanisms, the Immigration Control authority proves that a foreign person holding a permanent residence visa has been absent from the country for up to two (2) continuous years, after the first two (2) years of granting said visa, visa, will inform the human mobility authority of the individual. For this purpose, the Immigration Control authority and the human mobility authority will issue the respective instructions.

Once the information is received, the respective unit, the Ministry of Foreign Affairs and Human Mobility, will verify if the foreign person has incurred in the absenteeism foreseen by the norm and will issue the visa cancellation resolution and will notify said act to the interested party within a maximum term of ten (10 ) days.

Once the resolution has been notified, the interested person may file the administrative appeals provided for in the Ecuadorian legal system, within ten (10) days.

In this case of cancellation, the foreign person may follow the regularization procedure due to the termination or cancellation of the visa provided for in this Regulation and the time provided for its regularization will begin to run the day after the notification of visa cancellation is made.

**Article 116.- Procedure for the revocation.-** For the causes of revocation determined in the Organic Law of Human Mobility, the following will be done:

1. When the foreign person has received an enforceable conviction for crimes sanctioned with a custodial sentence of more than five (5) years, in accordance with the provisions on the expulsion of foreigners determined by the Organic Comprehensive Criminal Code; The judge who resolved the case will order the notification of the sentence to the immigration control authority and the human mobility authority immediately, so that within the scope of their powers they proceed with the registration in the immigration computer system and the revocation of the visa.
2. When the foreign person has obtained for himself or requested for third parties a migratory category in a fraudulent manner, duly proven, through an enforceable conviction, the judge who resolved the case, within the sentence, will order the human mobility authority to revoke the visa. and the immigration control authority to initiate the corresponding procedure. The human mobility authority will notify the revocation of the visa to the foreign person within a maximum term of ten (10) days and will notify the Immigration Control authority, within five (5) days, to initiate the administrative process. of deportation
3. When the foreign person has committed acts that threaten the security of the State, duly determined by the competent state entities through a duly reasoned report or sentence, the case will be reported to the human mobility authority so that it proceeds immediately to the revocation. of the visa and notify the Immigration Control authority, within five (5) days, to start the administrative deportation process.

**Article 117.- Notification to the Civil Registry, Identification and Identification Authority and to the Immigration Control Authority.-** In cases of cancellation and revocation of the category

migration, the human mobility authority, as soon as possible, will notify the General Directorate of Civil Registry, Identification and Identification of the resolution adopted in order to disable the foreigner's identity document; as well as to the Immigration Control authority to initiate the corresponding procedure.

### **Section XIV** **Immigration regularization**

**Article 118.- Request for regularization due to termination or cancellation of the migratory category or visa.-** The foreign person who has incurred in a situation of migratory irregularity due to one of the following figures: termination or cancellation of the migratory category; termination of the stay authorization; termination of the stay authorization with extension; or, in cases of nullity of the letter or resolution of naturalization, you can start the regularization procedure, by requesting a new migratory category, in the non-extendable term of thirty (30) days, counted from the day following the date of termination or cancellation, within which you must cancel the immigration sanction imposed.

In the event that the foreign person has not applied for a new migratory category, or their application has been denied, or their visa has been revoked, they must voluntarily leave the national territory in accordance with the provisions of this Regulation.

In case of recidivism in the commission of migratory offenses, it will be subject to the provisions of the Organic Law of Human Mobility and this Regulation on deportation.

Once the term of thirty (30) days foreseen in this article has expired, without the foreign person having started his regularization procedure, he will be disqualified from requesting, renewing or changing his migratory category or visa in Ecuadorian territory and what is established in the Organic Law on Human Mobility in relation to voluntary departure.

**Article 119.- Extraordinary migratory regularization.-** In duly motivated exceptional cases that respond to the national interest, the Ecuadorian State may decree an extraordinary migratory regularization process that would entail the recognition of a migratory amnesty, a biometric migratory registry and the granting of a visa. .

**Article 120.- Procedure.-** Once the executive decree of the extraordinary migratory regularization process has been issued, the migratory control authority and the human mobility authority will jointly or individually issue the legal instrument or instruments where the scope and conditions for the granting of the migratory amnesty and the requirements and procedure for granting the visa. The secondary legal instruments that are issued for this purpose, will also contemplate the identification of the regularized population, according to the requirements stipulated for the issuance of the exception visa.

## **CHAPTER V** **OBTAINING ECUADORIAN NATIONALITY**

**Article 121.- Ways to obtain Ecuadorian nationality.-** In accordance with the Constitution of the Republic and the Organic Law of Human Mobility, Ecuadorian nationality by naturalization will be obtained by:

1. Naturalization letter;
2. Naturalization by adoption;
3. Naturalization of children or adolescents born abroad to a mother or father Ecuadorians by naturalization;
4. Naturalization by marriage or de facto union; 5. Naturalization of foreign persons for having rendered relevant services to the country; or,
6. Exceptional naturalization mechanism for persons recognized by the Ecuadorian State as refugees and stateless persons.

#### Section I

#### Naturalization Letter

**Article 122.- Application for a letter of naturalization.-** Foreigners who meet the requirements set forth in the Organic Law on Human Mobility and in this regulation, as well as refugees and stateless persons who have remained in the country for at least two (2 ) years, may apply for Ecuadorian nationality by naturalization letter.

**Article 123.- Limitation to request a letter of naturalization.-** Foreign persons, before requesting naturalization, may be absent from the national territory for a period of one hundred and eighty (180) days per year, during the first three (3) years, counted from the issuance of the permanent residence visa; those who exceed the time of absences, will not be able to apply for naturalization by having interrupted the time of regular and continuous residence.

In the same way, foreigners who do not have the generating fact of the valid visa and who, when changing their migratory category, register an interruption in regular and continuous residence, will not be able to request naturalization.

**Article 124.- Start of the procedure.-** When constituting a procedure of a personal nature, the applicant will submit a file containing the originals of the requirements set forth in the Organic Law of Human Mobility and will make the payment determined in the Consular and Diplomatic Tariff.

Documents issued by a foreign authority must be apostilled, if they were issued in a country that is part of the Hague Apostille Convention; or, legalized if they have been issued in a country that is not a party to said agreement. In addition, if they are in another language, they must be delivered translated into Spanish; or, failing that, by means of an affidavit, when there is a demonstrable impediment to accessing the corresponding apostille or legalization.

The official in charge will proceed to verify compliance with the requirements, except for those that, for the purposes of the Organic Law on Human Mobility, the applicant must appear to fulfill during the processing phase.



In the applications of children and adolescents, the consent of their parents or whoever has parental authority or legal guardianship must be recorded, and these circumstances must be documented in accordance with the provisions of the Special Law on Children and Adolescents.

At the time of entering the file, the parents will be present for the respective subscription of the naturalization application or, one of them as indicated in the previous provision, in which case, the official will obtain copies of the administrative document or sentence for its incorporation into the request.

In the files that do not meet the requirements, an act of inadmission will be drawn up that will be delivered to the applicant, without prejudice to the possibility of reapplying for the naturalization process with the complete documents.

**Article 125.- Knowledge exam.-** Once the file has been received, the applicant will be summoned so that, within one (1) month, they present themselves to take the knowledge exam in history, geography, culture and current reality of the country in the Spanish language. through the Computer System for the Reception and Qualification of Knowledge Exams.

It will be understood that the applicant passes the evaluation if he obtains at least ninety percent (90%) of the total exam grade. If you do not reach this percentage, you can take the exam two more times, mediating one (1) month between each call. If you do not pass the evaluation on the third attempt, you must wait one (1) year to reapply for naturalization.

The results are automatically generated by the Knowledge Examination Reception and Qualification Computer System and for this reason their requalification is not foreseen.

**Article 126.- Exceptions of presentation to the knowledge test.-** Children and adolescents are exempted from compliance with this requirement in accordance with the definitions established in the special legislation of childhood and adolescence by presenting the document or birth certificate, identity card or valid passport.

Older adults, in which case the age will be verified with the presentation of the document or birth certificate, identity card or valid passport.

People with intellectual disabilities who deprive them of the use of reason or the person who is manifestly unable to comply with this requirement due to their disability, for which purpose the human mobility authority and the national health authority will issue the respective protocol.

Applicants who have studied and completed a university or postgraduate degree in Ecuador, provided that they have been taught in Spanish and according to the provisions of the higher education legislation in force on the date of entry of the application.

At the beginning of the process, the applicant will communicate about obtaining the title and will deliver a simple and legible copy for the respective internal verification through the use of the Interoperability System.

Once the file has been received for processing, the data will be verified and confirmed. The result will be made known to the applicant electronically.



This procedure must be carried out within five (5) days, as long as no irregularities have been detected in the information provided by the applicant, which will be communicated to the governing body of the higher education policy for the corresponding actions and will proceed with the suspension of the naturalization process until said entity communicates the decision adopted that will determine the continuity of the naturalization process or the resolution of inadmissibility.

**Article 127.- Evaluation of knowledge in the Spanish language for older adults.-** Once the file for processing of an older adult foreign person has been entered, the date, time and place in which the evaluation will be carried out will be notified to the designated email address. assessment in the Spanish language.

It will be applied within a period of one (1) month and its purpose will be to determine the skills to speak, read, write and understand the Spanish language.

The applicant must achieve a maximum score of twenty (20) points and a minimum of fifteen (15) points. If the minimum score required is not achieved, the applicant will have the right to a second opportunity, which will take place within one (1) month from the first unapproved evaluation.

If the minimum score is not met on the second evaluation, the applicant must wait a year to reapply for naturalization.

The evaluation formats and methodology will be included in the instructions that, for this purpose, must be issued the highest authority of human mobility.

**Article 128.- Interview.-** In order to know the reasons why the Ecuadorian nationality is requested, the applicant will be summoned to an interview that will take place in the Spanish language, within a period not exceeding one (1) month, before the issuance of the opinion on the application for naturalization.

The notification will be sent to the applicant's email and will indicate the date, time and place where the interview will take place.

Once the interview has been carried out, a record will be drawn up that summarizes the main aspects based on the information provided by the interviewee. The document will contain the signatures of the parties involved in this process.

In the interview, in addition to the usual questions, others related to clarifying or expanding the information in the file may be included.

The interview constitutes a fundamental and determining element in the continuity of the naturalization process, for this reason, care will be taken, under the principles of confidentiality, respect, good faith and impartiality, that the answers are convincing as to the reasons for requesting nationality. Ecuadorian and that they follow a logical order of ideas and without the use of monosyllabic words.

When it corresponds according to the law of the matter, in the applications for naturalization of persons with disabilities or impairment or incapacitating condition, who require guardianship or conservatorship,

will interview your tutor or curator, in relation to the reasons for requesting Ecuadorian nationality. At the end of it, a minute will be drawn up signed by the parties.

If you do not attend on the date and time indicated for the interview, only duly motivated justifications will be accepted, once only, with the presentation of the documents that support the reasons for non-attendance.

**Article 129.- Procedure for the issuance of the opinion.-** Once the examinations of knowledge in history, geography, culture and current reality of the country have been received, or the evaluation of knowledge in the Spanish language of older adults, the review will proceed, analysis and verification of the information contained in the file, in accordance with the following procedure:

1. In order to determine that there is no interruption in the time of regular and continuous residence in the country, the migratory movement of the applicant will be obtained by consulting the Interoperability System and the maximum time of absences from the country will be verified. , as well as the other causes of limitation to request the letter of naturalization.

If the fact generating the visa is not in force or, if the limitations to request a letter of naturalization have been incurred, the application will be archived, through an administrative resolution notified to the applicant by email.

The provisions of the Organic Law of Human Mobility will be observed, regarding the migratory situation of the protected persons in case of death of the protected person, termination of the marriage or de facto union for causes attributable to the protected person and, when the protected person has been naturalized;

2. A copy of the applicant's identity card will be obtained for data verification by internal consultation in the Interoperability System;
3. To determine possible cases of inadmissibility in accordance with the provisions of the Organic Law on Human Mobility, inter-institutional electronic consultations will be carried out. The results obtained will be recorded in the file. If there is a file of judicial cause, the reasons for the judicial decision will be noted in the opinion;
4. Compliance with lawful means of living in the country will be verified, in accordance with the provisions of this regulation, and it will be verified that the applicant is up to date with his obligations to the State, in the tax, labor, and social security fields. and, other constants in special laws, when appropriate, depending on the case, through inter-institutional electronic consultations.

If it is not possible to obtain information by electronic means, it will be required from the applicant with due justification for such request;

5. The applicant may be asked for a certificate of not having a criminal record in the country of origin or in which he or she had resided during the last five years. The document must be apostilled if it was issued in a country that is part of the Apostille Convention of La

Is; or, legalized if it has been issued in a country that is not a party to said agreement. In the event that the original document was issued in a language other than Spanish, it must be translated in accordance with the provisions of this regulation.

6. Through inter-institutional electronic queries, information will be obtained on possible legal cases or complaints. The results obtained will be recorded in the file and in the opinion. If there is a judicial case file, the reasons for the judicial decision will be noted down; and,
7. The opinion will collect the fulfillment of requirements, the certificate of not registering a criminal record when they have been requested, the consultations on legal cases or complaints and the main conclusions of the interview, with which the granting or refusal of the request will be determined. of naturalization in accordance with the provisions of the Organic Law of Human Mobility.

If there are inconsistencies in the information recorded by electronic means of consultation, an official request will be made to expand the information or obtain the opinion of the entity responsible for the data. The entity consulted must send the response within five (5) days from receipt of the request.

If it is not possible to obtain information by electronic means, it will be required from the applicant with the due justification for such request.

In applications with a negative opinion, the duly reasoned administrative resolution will be issued, which will be notified to the applicant by email.

**Article 130.- Verification and validation of the file.-** The files with an opinion that recommends the continuity of the procedure, will be brought to the attention of the administrative body of the Ministry of Foreign Affairs and Human Mobility competent for the verification and validation of the procedure, within a period not greater than one (1) month, from the issuance and signing of the opinion, through the means indicated by that dependency.

The verified and validated files will have the record of compliance signed by the authority of the administrative body responsible for verification and validation, for later knowledge of the highest authority of human mobility, who will make the decision on the granting of Ecuadorian nationality based on the sovereign and discretionary power of the Executive Function.

The highest authority for human mobility may request the technical or legal criteria of the administrative bodies of the Ministry of Foreign Affairs and Human Mobility responsible for the planning and coordination of migratory and consular services and legal advice of the institution.

With the consent of the highest authority of human mobility, the naturalization letters will be issued, whose list of beneficiaries will be communicated to the competent administrative bodies of the Ministry of Foreign Affairs and Human Mobility for the notification of the second payment, in accordance with the Consular Fee and Diplomatic.

In the event of a refusal to apply for a naturalization letter, the applicant will be notified electronically of the duly motivated administrative decision signed by the highest human mobility authority.

**Article 131.- Issuance and delivery of the naturalization letter.-** The naturalization letters will be delivered in an official ceremony, to which the beneficiary must attend in person.

If you do not attend for duly justified reasons, you may request the delivery of the naturalization letter at the decentralized unit before which you carried out the process, for which you will sign the corresponding delivery - reception certificate.

The delivered naturalization letters will be brought to the knowledge of the immigration control, civil registry, identification and identification authorities, and the highest voting body within fifteen (15) days from the date of delivery.

The resolutions of inadmissibility will be communicated to the indicated entities once they have been received in the competent institutional dependencies and notified to the interested parties.

## Section II

### Naturalization by marriage or de facto union

**Article 132.- Naturalization by marriage or de facto union.-** To apply for naturalization by marriage or de facto union with an Ecuadorian person, the applicant must have one of the migratory categories provided for in the Organic Law of Human Mobility, except in the categories temporary visitors and applicants for international protection.

Naturalization by marriage or de facto union with a naturalized Ecuadorian person, may only be requested in the event that the celebration, registration and registration of the marriage or de facto union before the Civil Registry, Identification and Identification authority, have been carried out later. to obtain the Ecuadorian nationality of the spouse or partner of the applicant and, under the conditions established in the Organic Law of Human Mobility.

The applicant and his/her spouse or partner will deliver the file containing the originals of the requirements according to the condition to which they apply, in accordance with the provisions of the Organic Law of Human Mobility; and, will make the first payment for entry of the application according to the value established in the Consular and Diplomatic Tariff.

Those requirements that are in another language must be submitted translated into Spanish.

The official in charge will proceed to verify compliance with the requirements, except for those that, for the purposes of the Organic Law on Human Mobility, the applicant must appear to fulfill during the processing phase.

In the files that do not meet the requirements, an act of inadmission will be drawn up that will be delivered to the applicant, without prejudice to the possibility of reapplying for the naturalization process with the complete documents.

**Article 133.- Interview.-** Before the issuance of the opinion on the application for naturalization, the applicant and his/her spouse or cohabitant will be summoned by email to the interview provided for in the Organic Law of Human Mobility.

On the day, time and place indicated in the call, the identity of the interviewees will be verified and the interview will be conducted individually in the official language of the Republic of Ecuador, under the principles of confidentiality, respect, good faith and impartiality.

The interview must objectively seek to know the reasons why the Ecuadorian nationality is requested, taking care at all times not to ask questions that threaten the privacy and integrity of the couple or family.

In the interview, other questions related to clarifying or expanding the information in the file may be included.

Likewise, care will be taken that the answers provided are reasonable, convincing, follow a logical order of ideas and without the use of monosyllabic words.

At the end of the interview, the official in charge will draw up a record that summarizes the main aspects addressed with the interviewees. This record will be signed by the intervening parties and will be incorporated into the file as an input for the opinion. The interview constitutes a fundamental and decisive element in the continuity of the naturalization process.

The interview will be held within a period not exceeding one (1) month before the issuance of the opinion, in accordance with the format established for this purpose.

The foreign person who has contracted or celebrated marriage or de facto union with an Ecuadorian person in a simulated manner and with the sole purpose of obtaining Ecuadorian nationality will be sanctioned in accordance with the Organic Law of Human Mobility. This, without prejudice to the actions against the national who participates in these events. The migratory control authority will send the respective file to the competent organisms so that they will exercise the corresponding actions in accordance with the current national legislation.

**Article 134.- Procedure for the issuance of the opinion.-** Once the interview has been carried out, the opinion will be issued in accordance with the following procedure:

1. The migratory movements of the spouses or partners will be obtained to prove residence in the country, through internal consultation in the Interoperability System.
2. The validity of the event generating the temporary or permanent residence visa will be verified and, where appropriate, the provisions of the Organic Law of Human Mobility will be applied, regarding the migratory status of the persons covered in the event of the death of the

protection, termination of marriage or de facto union for reasons attributable to the protection and, when the protection has been naturalized.

3. Copies of the current identity cards of the applicant and his/her spouse or partner will be included in the file, for data verification through internal consultation in the Interoperability System.
4. It will be verified that the applicant is up to date with his obligations with the State, in the tax, labor, social security and other constants in special laws, when appropriate, depending on the case, through inter-institutional electronic consultations.
5. In applications for naturalization in which it is necessary to justify lawful means of living in the country, the interested party will be notified to present the documents in accordance with the provision on this requirement contained in these Regulations.
6. The opinion will collect the fulfillment of requirements, will also contain the main conclusions of the interview and will determine the granting or refusal of the request for naturalization in accordance with the provisions of the Organic Law of Human Mobility.

If there are inconsistencies in the information recorded by electronic means of consultation, an official request will be made to expand the information or obtain the opinion of the entity responsible for the data. The entity consulted must send the response within five (5) days from receipt of the request.

If it is not possible to obtain information by electronic means, it will be required from the applicant with the due justification for such request.

In applications with a negative opinion, the duly reasoned administrative resolution will be issued, which will be notified to the applicant by email.

**Article 135.- Issuance and delivery of the naturalization resolution.-** The authority of the competent unit of the Ministry of Foreign Affairs and Human Mobility will issue and sign the administrative naturalization resolution for delivery in an official ceremony.

The applicant will be summoned by email for the second payment in accordance with the Consular and Diplomatic Fee in force on the date of filing the application, as well as their attendance at the delivery of the naturalization resolution in a solemn act.

If you do not attend for duly justified reasons, you may request delivery of the naturalization letter at the decentralized unit before which you carried out the process, for which you will sign the corresponding delivery-reception certificate.

The administrative resolutions of naturalization and refusal of the request to obtain Ecuadorian nationality, will be brought to the attention of the Civil Registry, Identification and Identification and Immigration Control authorities within a term of fifteen (15) days counted from the date of the second payment made by the applicant in accordance with the current Consular and Diplomatic Tariff.

### Section III

#### Naturalization by adoption

**Article 136.- Naturalization by adoption.-** The Ecuadorian person who adopts foreign children and adolescents may request the registration of nationality by naturalization before the Civil Registry, Identification and Identification authority or at the Consular Offices of Ecuador abroad by delegation.

The adoption will be proven with the presentation of the valid document in accordance with the regulations of the country in which it occurred when it is carried out by administrative means; and, with the approved sentence when it is carried out by judicial means, provided that it does not contravene the provisions of Ecuadorian legislation.

The supporting document must be apostilled, if it was issued in a country that is part of the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement. In addition, it must be translated into Spanish, if applicable. The supporting document will be presented together with the identity card of the Ecuadorian father or mother.

### Section IV

#### Naturalization of children and adolescents born abroad of an Ecuadorian father or mother by naturalization

**Article 137.- Registration.-** Girls, boys or adolescents born abroad after obtaining Ecuadorian nationality by naturalization of their father or mother, may be registered by the Ecuadorian father or mother in the competent unit of the authority of Civil Registry, Identification and Cedula or in the Consular Offices of Ecuador abroad, by delegation.

The authorized official of the competent unit of the Civil Registry, Identification and Identification authority or the Consular Offices of Ecuador abroad, in order to issue the resolution that recognizes nationality by naturalization, will request the following documents:

1. The resolution of naturalization of the father, mother, or both, if applicable;
2. Certificate issued by the competent authority that received the application for naturalization, indicating the non-renouncement of the nationality of the father, mother or both, if applicable;
3. Copy of the identity card of the applicant or applicants stating their status as Ecuadorian or Ecuadorians; and,
4. Apostilled birth certificate of the child or adolescent if it was issued in a country that is part of the Hague Apostille Convention; or, legalized if it has been issued in a country that is not a party to said agreement. If it is in a language other than Spanish, it must be translated.

After the verification of compliance with the requirements, the administrative resolution will be issued, ordering the registration as Ecuadorian by naturalization, of what has been done will be noted in the Single Personal Registry (RPU) and the legalized copies will be issued to the corresponding files for their custody.

## Section V

### Naturalization of foreign persons for having rendered relevant services to the country

**Article 138.- Relevant services.-** Naturalization for relevant services to the country will be granted to foreigners who, due to their actions, their occupation or the work they perform, contribute significantly with their knowledge, virtues and efforts to Ecuadorian society and Therefore, they constitute a worthy example to follow.

For the granting of the naturalization letter for relevant services, a written request will be addressed to the President of the Republic, complying with the precepts established in the Organic Law of Human Mobility.

The request will contain the following information:

1. Names and surnames of the interested party;
2. Place and date of birth;
3. Nationality;
4. Marital status. If you are married, indicate the full names and surnames, the address and the nationality of your spouse. If your spouse is of Ecuadorian nationality, you must accompany the birth certificate or naturalization letter;
5. Full names and surnames, place and date of birth and address of the children. If they were born in Ecuador, the birth certificates must be attached;
6. Indicate the time of residence in the country and the type of migratory category with which you have the time of submitting the application;
7. Indication of the profession, industry, trade or occupation to which he is engaged;
8. Details of the activities or tasks carried out in the country and their impact or contribution to the society; and,
9. Applicant's signature.

The documents proving compliance with the requirements will be attached to the application.

## Section VI

### Exceptional naturalization mechanism for refugees and stateless persons recognized by the Ecuadorian State

**Article 139.- Exceptional naturalization mechanism for refugees and stateless persons recognized by the Ecuadorian State.-** Persons recognized by the Ecuadorian State as refugees or stateless persons who request Ecuadorian nationality must present the following requirements:

1. Identity document issued by the Civil Registry, Identification and Certificate;
2. Immigration movement in force on the date of entry of the application obtained internally by the responsible official through the Interoperability System;



3. Certificate issued by a competent authority that proves your status as a refugee or stateless person and, stating the date from which it has such condition;
4. Demonstrate lawful means of living in the country in accordance with the provisions that are established in these regulations for applicants for naturalization; and,
5. For applicants under eighteen (18) years of age, the consent of those who hold parental authority or legal guardianship will be required. In the cases of unaccompanied children and adolescents, there will be representation from the Public Defender's Office.

In cases where one of the parents or another person exercises parental authority or legal guardianship, the court ruling issued in their favor must be attached and, if applicable, be approved.

If you attend the process with the representation of a public defender, he must prove his status in a documented manner; and,

6. Make the payment for the entry of the application in accordance with the current Consular and Diplomatic Tariff.

As it is a personal procedure, the applicant must submit the requirements to the competent administrative body of the Ministry of Foreign Affairs and Human Mobility upon receipt of naturalization applications.

If the requirements are not met, an inadmissibility certificate will be drawn up and delivered to the applicant, without prejudice to the possibility of reapplying for the naturalization process with the complete documents.

A copy of the file that served as support for the recognition of refugee or stateless status will be requested from the competent authority with the confidentiality that it deserves and will be incorporated into the naturalization file.

Within one (1) month from the filing of the application, the applicant will attend a knowledge test on history, geography, culture and current reality of the country, in the Spanish language, through the Information System of Reception and Qualification of Knowledge Exams. At this stage of the procedure, the legal provisions referring to the examination of knowledge in naturalization letter applications will be applied.

**Article 140.- Analysis of the file.-** Once the knowledge exams have been received, the review, analysis and verification of the information contained in the file will proceed, in accordance with the following procedure:

1. The entrances and exits of the country will be verified in the migratory movement. If exits are verified, the competent authority will be requested to certify their authorization;
2. In order to determine possible cases of inadmissibility, in accordance with the provisions of the Organic Law on Human Mobility, inter-institutional electronic consultations will be carried out. The results obtained will be incorporated into the file;
3. Compliance with lawful means of living in the country will be verified, in accordance with the provisions of this Regulation, and it will be verified that the applicant is up to date with his obligations to the State, in the areas of taxation, labor, social security and other constants in laws

special, when appropriate, depending on the case, through the use of technological means of inter-institutional consultation;

4. Before the issuance of the opinion, the applicant will be interviewed observing the procedure established in these Regulations for naturalization applications;
5. If there are any doubts or observations during the process, further information or technical criteria will be requested from the competent authority in matters of refuge and statelessness;
6. The issuance of an opinion that will conclude with the decision on the granting of naturalization or the inadmissibility, whose duly reasoned administrative resolution must be notified to the applicant by email; and,
7. Notification for the second payment according to the Consular and Diplomatic Tariff.

The administrative resolutions that must be issued for the granting of naturalization or inadmissibility, will be signed by the authority of the administrative body of the Ministry of Foreign Affairs and Human Mobility competent in the reception of naturalization applications, precautionary notification to the interested parties.

The granting or inadmissibility of naturalization will be officially communicated to the Civil Registry, Identification and Identification and Immigration Control authorities, within fifteen (15) days from the date of the second payment made by the applicant in accordance with Consular and Diplomatic Fee.

In what is not foreseen in these provisions, those referring to the naturalization processes of this regulation will be applied.

## Section VII

### Renunciation of Ecuadorian nationality

**Article 141.- Renunciation of Ecuadorian nationality.-** Ecuadorian persons by naturalization may renounce nationality, in accordance with the provisions of the Organic Law of Human Mobility, fulfilling the following requirements:

1. Accredited a second nationality in a documented way;
2. Be of legal age; and,
3. Cancel the value determined in the current Consular and Diplomatic Tariff.

The Ecuadorian person by naturalization must submit a written request addressed to the authority of the competent administrative body that received the application for naturalization, expressly and clearly indicating the desire to resign along with the requirements indicated.

The authority of the competent administrative body that received the application for naturalization, will issue an opinion in which it recommends accepting or denying the waiver within a term of twenty (20) days counted from the date of entry of the application.

If the opinion is favorable, it will issue the administrative resolution in which the resignation is accepted and will notify the applicant electronically for the payment that must be made in accordance with the Consular and Diplomatic Tariff.

In case of refusal of the request, the duly substantiated administrative resolution will be issued, which will be notified to the applicant.

The administrative resolutions of acceptance or denial will be made known to the Civil Registry, Identification and Identification and Immigration Control authorities within fifteen (15) days from the date of notification to the petitioner for payment or with the negative administrative resolution.

## Section VIII

### Recovery of Ecuadorian nationality by birth

**Article 142.- Recovery of Ecuadorian nationality by birth.-** Ecuadorian citizens by birth who have renounced Ecuadorian nationality, before the current Constitution of the Republic came into effect, may recover it by submitting the following requirements:

1. Original birth certificate conferred by the authority of the Civil Registry, Identification and Cedulation, in which the marginalization of the loss of Ecuadorian nationality is stated;
2. Passport or identity document of the nationality held by the applicant; and,
3. Payment established in the Consular and Diplomatic Tariff in force on the date of entry of the request.

As it is a personal procedure, the applicant must submit the requirements to the administrative body of the Ministry of Foreign Affairs and Human Mobility competent to receive naturalization applications.

The responsible official will proceed to obtain a copy of the passport or identity document presented by the applicant for inclusion in the file and will send it to the person responsible for issuing the Admissibility Report, who will verify the applicant's personal data and compliance of requirements.

The administrative resolution for the recovery of Ecuadorian nationality by birth will be issued and signed by the authority of the administrative body of the Ministry of Foreign Affairs and Human Mobility competent to receive naturalization applications.

The recovery of Ecuadorian nationality by birth will be officially communicated to the Civil Registry, Identification and Identification and Immigration Control authorities, within fifteen (15) days from the date of the second payment made by the applicant in accordance with to the Consular and Diplomatic Tariff.

Applications for recovery of Ecuadorian nationality by birth may be received abroad, through the procedure determined by the highest authority of human mobility.

## Section IX

### Mandatory in obtaining the Ecuadorian identity card

**Article 143.- Obligation in obtaining the ID.-** Persons who obtained Ecuadorian nationality have a period of forty-five (45) days from the date of delivery of the letter, resolution, executive decree or naturalization record, to process and obtain the identity card that identifies them as Ecuadorian citizens. At the end of the established period and in cases of recidivism, without the identity card being processed and obtained, the entity that granted Ecuadorian nationality will be requested a valid certification for forty-five (45) days that proves the validity of the identity card. letter, resolution, executive decree or naturalization record in order to obtain the identity document, according to the value determined by each entity, which may be increased according to the recidivism in the lack of processing of said document.

The entities responsible for granting naturalization must keep the Civil Registry, Identification and Identification authority informed about the issuance of validity certificates for the purpose of issuing the Ecuadorian identity card.

## Section X

### Suspension of the naturalization process

**Article 144.- Suspension of the naturalization process.-** The highest human mobility authority shall be informed of the initiation and resolution adopted in any of the cases indicated for the suspension of the naturalization process in accordance with the Organic Law of Human Mobility. , in order to verify the existence of naturalization applications whose processing must be suspended until the decision adopted by the competent authority.

The naturalization applicant will be notified with a report of suspension of the process electronically.

If the resolution issued is in favor of the foreign person, the naturalization process will continue, which will be notified to the applicant by email; or, the applicant will be notified with the declaration of final filing of the naturalization file. In these cases, action will be taken in accordance with the provisions of the Organic Law on Human Mobility.

## Section XI

### Nullity of the letter or resolution of naturalization

**Article 145.- Nullity of the naturalization letter or resolution.-** The naturalization of a person will be declared null in the following cases:

1. Concealment of relevant facts that affect the veracity of the information or documents, essentially, during the naturalization process;
2. Presentation of false, forged or adulterated documents; or, 3. Committing fraud to the law in the concession procedure.

During the process, the provisions of current legislation on the matter will be applied, safeguarding at all times the notification to the person whose naturalization is concerned, by all means determined in administrative matters.

Compliance with due process will be ensured and the application of individualized procedures will be guaranteed.

The person will be informed of the possible options to which they can apply in order to obtain a migratory condition that allows them to remain in national territory, if it is their decision, provided that they meet the requirements set forth in the Organic Law of Human Mobility and this Regulation.

The procedure will consist of an instruction that will regulate the administrative action in these cases.

## Section XII

### **Legal means of living in the country in the process of naturalization by letter, naturalization by marriage or de facto union with an Ecuadorian person and exceptional naturalization mechanism for refugees and stateless persons recognized by Ecuador**

**Article 146.- Lawful means of life in the country.-** Lawful means of life in the country may be demonstrated with the presentation of the following documents that allow the applicant to guarantee their subsistence and that of their dependents, if they have them; or, those that must be presented by your spouse or cohabitant, according to the corresponding economic or work condition:

- i) Under Dependency Relationship:
  - to. Single Registry of Taxpayers or identity card of the employer when applicable; b. Certificate of contributions or labor history or mechanized affiliation to the Ecuadorian Institute of Social Security in which contributions equal to or greater than a unified basic salary of the worker in general of the six (6) months prior to the naturalization application are registered; and c. Optionally, the employment contract or personnel action in force and duly issued by the institution or entity in which the petitioner works may be presented.
- ii) In those cases of applicants for naturalization who have their own business, carry out activities as self-employed workers or are under the provision of professional services, they may demonstrate lawful livelihoods, by presenting the following documents:
  - to. Single Registry of Taxpayers in the name of the applicant;
  - b. Income Tax Returns for the two (2) fiscal years prior to the naturalization application, according to the tax base determined by the competent authority for each fiscal year; and c. Monthly or semi-annual Value Added Tax returns corresponding to the two (2) fiscal years prior to the naturalization application, which show income higher than a Unified Basic Salary of the worker in general.
- iii) If the applicant for naturalization is unable to meet the requirements indicated in the preceding paragraphs, he may demonstrate that he has lawful means of living in the country with the presentation of at least two (2) of the following documents, as appropriate to his case particular:

- to. If you own real estate, you will present the payment of the property tax corresponding to the year prior to the application for naturalization; the public deed of sale; or, current and updated lien certificate, whose real estate must be valued at a minimum of one hundred (100) Unified Basic Salaries of the worker in general. If several owners appear in the deed, the part corresponding to the applicant for naturalization, expressed in rights and shares, aliquots or in other forms, must have a value of not less than one hundred (100) Unified Basic Salaries of the worker in general;
- b. Certificates of commercial relations issued by national financial entities and bank movements of the twelve (12) months prior to the application for naturalization that reflect at least monthly income equal to or greater than one (1) Unified Basic Salary of the worker in general; c. If real estate is leased, the current and registered lease agreement must be presented
- before the competent authority; and,
- d. Certificate or proof of current investments issued by Ecuadorian financial entities with information regarding profits or interest received in the twelve (12) months prior to the naturalization application for a value equivalent to one (1) Salary Unified Basic of the worker in general per month.

Retired foreign persons may justify legal means of living through investments or purchases made for the acquisition of real estate or bank accounts in Ecuador in accordance with the previous statements.

Religious and religious or lay volunteers who belong to organizations with recognized legal status in Ecuador, may justify lawful means of living in the country, if they have the requirements set forth above or accredit with a sworn statement issued by the legal representative of the entity or congregation to which they belong, stating that it is responsible for covering all the expenses generated by the religious and/or his family. In addition, the necessary supporting documents that demonstrate the ability to cover the expenses generated by maintaining the applicant will be presented.

## Section XIII

### Computer System for the Reception and Qualification of Knowledge Exams

#### **Article 147.- Computer System for the Reception and Qualification of Knowledge Exams.-**

The administration of the Information System for Reception and Qualification of Knowledge Exams will be in charge of the competent administrative bodies of the Ministry of Foreign Affairs and Human Mobility that have the highest authority of human mobility, who must ensure the safety, reserve and correct use of the system. same.

The application, administration, user manual and the establishment of additional components to the Computer System will be included in the protocol issued by the highest human mobility authority, and must carry out, when appropriate, the respective technological and regulatory updates for its proper functioning.

A bank of questions will be incorporated into the Information System that must be updated periodically, for which there will be the knowledge and expertise of a committee made up of

delegates from the National Academy of History of Ecuador, House of Ecuadorian Culture, Diplomatic Academy and Historical Archive of the Ministry of Foreign Affairs and Human Mobility.

The organization, attributions, competences and responsibilities of the committee will be included in the protocol issued by the highest authority of human mobility.

## **CHAPTER VI** **FOREIGN PERSONS UNDER INTERNATIONAL PROTECTION**

### **Section I** **Generalities**

**Article 148.- Request for information from other institutions.-** The human mobility authority may request from any public or private institution information on identity, origin, relationship and other data it deems necessary from those who are presumed to be people in human mobility who require international protection. All public and private sector institutions have the obligation to provide required information and pay timely attention to the request of the human mobility authority without violating the principle of confidentiality and without prejudice to the rights of people in human mobility and safeguarding the principles stipulated in article 2 of the Law, this Regulation and other regulations in force.

**Article 149.- Information obligation.-** Every person requesting refugee status and/or statelessness must be informed about the procedure, rights and guarantees that assist them, as well as their obligations to respect the internal legal system of the State. The information must be available in the official languages of the Ecuadorian State, in English, and pamphlets and written information must also be provided in Braille; Likewise, access to an official translation must be provided in case the applicant speaks a different language and does not have full command of the languages in which the information is available.

**Article 150.- Obligations of the applicant for refuge and/or statelessness.-** During the procedure, the applicant will have the following obligations:

- a) Tell the truth about the facts and personal reasons on which your request is based;
- b) Submit the evidence available;
- c) Provide personal information with the necessary details to determine the facts that support your case;
- d) Answer all the questions that are formulated in order to determine the facts that support your case;
- e) Attend the interviews convened by the authority on the scheduled dates and times;
- f) Keep your personal information updated in the administrative unit in charge of shelter and/or statelessness;
- g) Keep your humanitarian visa as a valid international protection applicant while procedure lasts;
- h) Consign a real and/or electronic address where all notifications related to the refugee and/or stateless status determination procedure will be considered valid;

- i) Periodically verify the means of notification consigned to the administration;
- j) Register the entry before the immigration control authority, in the case of those persons that they did not enter through the official immigration control points; and,
- k) Not having returned to their country of origin since the application was submitted. In case of requiring to return to their country of origin temporarily and exceptionally, the applicant must obtain express authorization from the administrative unit in charge of refuge.

The applicant's signature will guarantee the veracity of the information provided and any breach of the obligations may lead to the corresponding administrative, civil or criminal actions. All information provided in the procedure for determining refugee status and statelessness is subject to verification at any time and constitutes a statement before a public authority.

**Article 151.- Update of migratory information.-** Any person admitted to the process for the determination of refugee status or who are recognized refugees, within ten (10) days from the notification, must appear before the human mobility authority. competent in order to generate the corresponding visa in accordance with the provisions of the Organic Law of Human Mobility, and subsequently must update said category before the immigration control authority.

**Article 152.- Technical instance.-** To recognize and determine the status of a refugee and/or stateless person, the highest authority for human mobility will establish a technical instance called the Refugee and Statelessness Commission and will issue the regulations related to its operation.

The Refugee and Statelessness Commission will be made up of three (3) members designated by the highest authority for human mobility.

In exceptional situations, based on the technical report prepared by the Directorate of International Protection or whoever performs its functions, the highest authority of human mobility may constitute or exceptionally enable single-person technical instances with competence and capacity to resolve.

The coordination of the Commission and the single-person technical instances will be in charge of the director or director of International Protection or whoever exercises their functions.

## Section II refugee protection

**Article 153.- Refugee.-** The determination of refugee status will be governed by the provisions and principles contemplated in the Constitution of the Republic, international instruments of refuge and human rights, Organic Law of Human Mobility, provisions contemplated in the present regulations, and the resolutions adopted by the human mobility authority.

**Article 154.- No sanction for irregular entry.-** No criminal or administrative sanctions will be imposed on the applicant for refugee status, due to irregular entry or stay in the national territory, until the final resolution of his application by the administration. . The



The irregular migratory situation of a person who applied for refuge will not hinder their access to the procedure.

In all cases, the authorities will guarantee the principle of non-refoulement and the others established in domestic legislation and international instruments on the matter.

**Article 155.- Family reunification.-** In order to determine the scope of the principle of family unity, the following cases will be considered:

1. The spouse or partner in a de facto union, legally constituted or, failing that, by means of an affidavit; and,
2. Relatives up to the second degree of consanguinity and second degree of affinity of the beneficiary principal.

For the request for family reunification, the refugee must present documentation or a sworn statement that demonstrates the filial relationship in the cases of children and adolescents.

Refugee status may be applied by extension to the family group that was present in the country and with respect to whom the main beneficiary requests family reunification. For the application of family reunification, the procedure that will be detailed in secondary regulations will be carried out.

When people requesting family reunification complete the elements of the refugee definitions established in the Organic Law of Human Mobility, as an individual case analysis, they must be recognized for their personal condition.

**Article 156.- Criteria for family reunification.-** Persons whose refugee status is recognized as a consequence of the right to family reunification will have the same rights and obligations as the main beneficiary.

In no case may refugee status be recognized by family reunification with respect to those who have well-founded reasons to consider that they incurred in any of the grounds for exclusion provided. The competent authority may consult other institutions to obtain relevant information.

The resignation of the main beneficiary will not affect the members of the family group of the interested party, unless they express their will to the contrary.

People recognized for family reunification will not see their status affected in cases of separation, divorce, dissolution of the de facto union, death, cessation or revocation of the status of the main beneficiary.

The cancellation of the status of the main beneficiary will be extended to people who have been recognized by family reunification.

The procedure for the granting of international protection in the case of family reunification will be the one applied, as appropriate, for the determination of refugee status.

**Article 157.- Confidentiality.-** All refugees and applicants for said status have the right to the protection and confidentiality of their personal data and the information that they have provided within the framework of the refugee status determination procedure and the search for lasting solutions. . Confidentiality must be respected during all stages of the procedure, the obligation being extended to all persons or institutions that participate directly or indirectly.

### Section III

#### Refugee status determination procedure

**Article 158.- Reception of applications.-** Applications for international protection related to refuge will be received by the competent authority in the matter.

In accordance with the provisions of the Organic Law on Human Mobility, any public servant who is aware of the entry of a person in possible need of international protection will have the obligation to immediately refer him or her, by any reliable means, to the competent authority in matters of international protection for that the latter proceed to register it in a timely manner.

The foreign person must present the verbal or written request for recognition of refugee status before the competent authority, within ninety (90) days after entering the country. After this time, they will be considered extemporaneous. The highest human mobility authority, exceptionally, due to duly verified reasons of fortuitous event or force majeure, may accept for processing a refugee application submitted untimely. The resolution must be issued within a period not exceeding ten (10) days. In case of refusal, the person will be able to access administrative resources according to current legal regulations.

Verbal refugee applications will be reduced to writing, under the responsibility of the authority or official before whom they are submitted. The requests will be read to the interested person in the language of their understanding and signed by the petitioner. In the event that the applicant does not know how to or cannot sign, they will stamp their fingerprint on the application.

**Article 159.- Guarantees of the applicant for refugee status.-** All applicants for refugee status may have the representation or sponsorship of a public or private defender during the procedure to determine refugee status.

When the applicant requires the sponsorship of a public defender, the administrative unit in charge must notify the Public Defender's Office within one (1) day. The Public Defender's Office, within two (2) days, will appoint a defense attorney, who will make contact with the requesting person.

In the cases of unaccompanied children and adolescents or separated from their legal representatives, the presence of a public defender will be mandatory from the beginning of the procedure.

**Article 160.- Refugee girls, boys and adolescents.-** The human mobility official who knows the case of unaccompanied girls, boys and adolescents or separated from their legal representatives, applicants for refugee status, will immediately notify the case to the Ombudsman. Public, in order to assume the legal representation of the girl, boy or adolescent.

The Public Defender's Office, the same day the request is received, will appoint a defense attorney who, in his capacity as guardian or designated legal representative, he will immediately accompany the beginning of the process for the determination of refugee status, and in addition, the Public Defender will coordinate with the competent authority in matters of protection of children and adolescents.

**Article 161.- Registration and admissibility.-** All applications for refugee status will be registered and qualified by the administrative unit through the admissibility process. Once the request has been received, the administrative unit in charge of international protection in refugee matters, after an interview, will prepare a technical report, which must contain the technical qualification criteria, and any other element deemed appropriate for the analysis, on the basis of which it will qualify and determine its admission or inadmissibility for processing.

Refuge applications will be admitted for processing in all cases that do not incur in the causes contemplated in the Organic Law of Human Mobility and this Regulation. Once the refugee application is admitted for processing, the foreign person will be issued a humanitarian visa as an applicant for international protection.

Any person who initiates a refugee status determination process, once the registration with the human mobility authority is completed, must register their entry with the immigration control authority.

**Article 162.- Inadmissible cases.-** The administrative unit in charge of shelter shall rule the inadmissibility of the request, in accordance with the Organic Law of Human Mobility, in the following cases:

1. Late requests, unless justified by fortuitous event or force majeure; 2. Manifestly unfounded requests; or, 3. Fraudulent applications.

It will be considered that the requests have been manifestly unfounded, when one of the following conditions is verified:

- a. The reasons given in support of the request are not related to the elements of the refugee definition, or to the information on the available country of origin;
- b. The applicant has a second nationality and can avail himself of the protection of said country; or,
- c. The applicant has previously made a request for refuge in a third country, which is pending resolution or resolved favorably, allowing the person to benefit from the protection of said country.

Fraudulent applications will be considered in the following cases:

- a. The application presents elements that lead to deception in its story or the intention to mislead on the part of the applicant, verifying the existence in their declarations of false circumstances or background that are evident, or that contradict the information of the country of origin;

- b. The request involves deceiving the administration with the intention of committing fraud, in relation to the identity, nationality or documentation that is incorporated during the procedure; or,
- c. The person without the need for international protection invokes the institution of refuge to evade the action of ordinary justice or compliance with laws in their country of origin, or in the country of their last residence.

**Article 163.- Effects of inadmission.-** If the applicant for refugee status incurs in any of the circumstances indicated in the previous article, the administrative unit in charge of refugee status will inadmit said application for processing.

For this, the public servant in charge of the reception will elaborate, in the same act of inadmissibility, a duly reasoned resolution signed by the competent authority. The resolution will be notified to the petitioner, who will have the right to file the appeals provided for in the Law on the matter.

Once the inadmissibility has been notified, the information will be sent to the visa authority.

**Article 164.- Review and resolution.-** Based on the interview of the applicant for refugee status, a technical report will be prepared regarding the recognition or not of refugee status, which will be sent to the Refugee and Statelessness Commission. for review and resolution.

Once the respective resolution is issued, the interested party will be notified.

Once notified, the person recognized as a refugee, within ten (10) days, must appear before the human mobility authority in charge of issuing visas, in order to carry out the change of migratory category and access to a new one, in accordance with the provisions of the Organic Law of Human Mobility. The human mobility authority, in the same act of granting the new migratory category, will cancel the previous visa.

The granting of temporary residence and the cancellation of the previous visa, based on the acknowledgment of the refuge, will not be subject to the payment of a fee or tariff; and, once granted, the human mobility authority will issue the identity card order.

In the event that a negative resolution is issued on the application for the status of person under international protection, the human mobility authority will cancel, in the same act, the humanitarian visa and notify the foreign person, who may file the available resources or You must start the procedure to regularize your immigration status within thirty (30) days, otherwise you must voluntarily leave the country in accordance with the provisions of the Organic Law of Human Mobility and these Regulations.

In case of incurring in what is established in article 104, numeral 4 of the Organic Law of Human Mobility, as well as in the causes of exclusion determined in the same Law, within the framework of their competences, the authorities will be governed by the corresponding procedure.

**Article 165.- Cessation, cancellation or revocation of refugee status.-** When any of the grounds provided for in the Organic Law of Human Mobility regarding the cessation, cancellation or revocation of refugee status obtained by own right or by family reunification, the human mobility authority will initiate the review procedure, for which it will notify the decision stating the date and time for the interview with the relevant refugee. A

Once the information is collected, a technical report will be issued, in which the concurrence of one of the causes invoked will be verified, which will be brought to the attention of the Refugee and Statelessness Commission.

Based on the report presented, the Refugee and Statelessness Commission will assess the respective exculpatory evidence and will issue the resolution of cessation, cancellation or revocation of refugee status, if applicable, or will ratify the refugee status. In the event that the person does not attend the interview called by the administrative unit, the Refugee and Statelessness Commission will decide with the available information.

Once the resolution of the Refugee and Statelessness Commission is final, the visa will be canceled in accordance with the procedure established in the Organic Law of Human Mobility and this Regulation and the immigration control authority will be informed for the corresponding procedure. In the event that the Directorate for International Protection becomes aware of an enforceable conviction regarding a recognized refugee, the Refugee and Statelessness Commission will be notified and will evaluate the case with the information available.

The human mobility authority will deactivate the visa and will notify the decision to the Directorate of Civil Registry, Identification and Identification so that the authority deactivates the identity document.

**Article 166.- Waiver of refugee status.-** Refugees may waive recognition of refugee status by presenting a letter addressed to the human mobility authority in which they will express their will.

Once the refugee's resignation has been received, the human mobility authority will inform the Refugee and Statelessness Commission.

With the resignation presented, the human mobility authority will proceed to cancel the visa, and will notify the General Directorate of Civil Registry, Identification and Identification, so that the identity document can be inactivated.

**Article 167.- Withdrawal and Abandonment.-** Within the refugee status determination process, the administration will warn the applicant that, if they do not appear for the interview on the date set or if they do not report their inability to attend the interview, it will be understood that you have withdrawn from the refugee procedure. The applicant, in two (2) months, may justify the reasons for his absence and express his intention to continue with the procedure, for which a new day and time will be set for an interview to take place. If you do not appear or promote the procedure by any other suitable means within that period, the administrative unit in charge of the case will declare the abandonment and the immediate filing of your request. The human mobility authority will proceed to cancel the visa of the applicant for international protection.

#### Section IV

#### Statelessness determination procedure

**Article 168.- Reception of applications.-** Applications for international protection related to statelessness will be received by the competent authority in the matter.

In accordance with the provisions of the Organic Law on Human Mobility, any public servant who is aware of the entry of a person in possible need of international protection will have the obligation to immediately refer him or her, by any reliable means, to the competent authority in matters of international protection so that the latter proceeds to register it opportunistically.

Requests for the recognition of statelessness will be reduced to writing, under the responsibility of the authority or official before whom it is presented. The requests will be read to the interested person in the language of their understanding and signed by the petitioner. In the event that the applicant does not know how to or cannot sign, they will stamp their fingerprint on the application.

**Article 169.- Procedure.-** Any request for statelessness status will be qualified by the administrative unit through an expedited process that will consist of an admissibility interview and an immediate decision; If admitted for processing, the eligibility interview, the issuance of the technical report and the referral of the file to the Refugee and Statelessness Commission will proceed without delay.

The application will be considered inadmissible in the following cases:

1. Manifestly unfounded requests; or,
2. Fraudulent requests.

Applications will be considered to have been manifestly unfounded when the reasons stated on which the application is based are not related to the elements of the definition of statelessness.

Fraudulent applications will be considered in the following cases:

- to. The application presents elements that lead to deception or the intention to mislead on the part of the applicant, verifying the existence in their declarations of false circumstances or background that are evident and/or that contradict the information of the country of habitual residence;
- b. The request involves deceiving the administration with the intention of committing fraud, in relation to the identity, nationality or documentation that is incorporated during the procedure; or,
- c. The person without the need for international protection invokes the institution of statelessness to evade the action of ordinary justice or compliance with laws in their country of origin, or in the country of their last residence.

Once the statelessness application is admitted for processing, the humanitarian visa will be issued as an applicant for international protection.

For the procedure related to the recognition, expiration, withdrawal, renunciation of stateless status, the same rules established in these Regulations regarding refuge will be followed.

**Article 170.- Stateless girls, boys and adolescents.-** The human mobility official, who is aware of the case of girls, boys and adolescents unaccompanied or separated from their legal representatives requesting statelessness status, will immediately notify the case to the Ombudsman. Public, in order to assume the legal representation of the girl, boy or adolescent.

The Public Defender's Office, the same day the request is received, will appoint a defense attorney who, in his capacity as guardian or designated legal representative, he will accompany immediately at the beginning of the process for the determination of stateless status, and in addition, the Public Defender will coordinate with the competent authority in matters of protection of children and adolescents.

## **CHAPTER VII**

### **TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS**

**Article 171.- Attributions of the governing institution.-** The attributions of the governing institution are:

- a) Preside over the Inter-institutional Coordination Committee for the Prevention of Human Trafficking and Smuggling of Migrants, and Protection of its Victims;
- b) Develop public policies on the issues of trafficking in persons and illicit trafficking in migrants;
- c) Carry out the follow-up, monitoring and evaluation of the implementation of the public policy regarding trafficking in persons and smuggling of migrants through the computer systems created for this purpose;
- d) Manage with national and international cooperation the financing for plans, programs, projects and other activities of prevention, investigation and prosecution, and/or protection of victims of trafficking in persons and smuggling of migrants;
- e) Create, manage, and implement the Case Registry System for trafficking in persons and smuggling of migrants;
- f) Issue guidelines for the prevention, investigation and prosecution, and/or protection of victims of human trafficking and smuggling of migrants, within the scope of its competence;
- g) Coordinate at the inter-institutional, multisectoral level and with civil society organizations prevention, investigation and prosecution actions, and/or protection of victims of human trafficking and migrant smuggling;
- h) Coordinate with the decentralized autonomous governments the implementation of public policy on human trafficking and migrant smuggling;
- i) Coordinate with the functions of the Ecuadorian State and International Organizations processes of training on human trafficking and migrant smuggling;
- j) Request the Human Mobility Vice Ministry, or its delegate, the humanitarian visa for victims of human trafficking; and,
- k) The others established in the Organic Law of Human Mobility.

**Article 172.- Inter-institutional Coordination Committee for the Prevention of Trafficking in Persons and Smuggling of Migrants and Protection of its Victims.-** The Inter-institutional Committee will be made up of the head or delegate of the following institutions:

- a) Ministry of Government, which will preside over it and will have the casting vote;
- b) Presidency of the Republic;
- c) Ministry of Education;
- d) Ministry of Economic and Social Inclusion;
- e) Human Rights Secretariat;
- f) Ministry of Foreign Affairs and Human Mobility;
- g) Ministry of Labor;
- h) Ministry of Public Health;



- i) Ministry of Tourism;
- j) Secretary of Higher Education, Science, Technology and Innovation;
- k) Council of the Judiciary;
- l) State Attorney General's Office; and,
- m) Ombudsman.

The Inter-institutional Committee may count on the participation of other entities of the functions of the State; and invite civil society organizations and intergovernmental organizations, who will attend with an informative voice, upon invitation by the Chairman of the Committee, on the specific topic for which they have been summoned. These actors must have national or international experience in the prevention, investigation and prosecution, and/or protection of victims of human trafficking and migrant smuggling.

For the operation of the Interinstitutional Committee, the respective regulations will be issued.

**Article 173.- Delegates of the Inter-institutional Coordination Committee for the Prevention of Trafficking in Persons and Smuggling of Migrants and Protection of its Victims.-** The highest authority of each institution that makes up the Committee, will expressly designate a delegate and his alternate for which an official delegation will suffice. The substitute will act in the absence or impossibility of the principal delegate.

**Article 174.- Of the powers of the Interinstitutional Coordination Committee for the Prevention of Human Trafficking and Smuggling of Migrants and Protection of its Victims.-** The Committee will have the following powers:

- a) Approve annually the dates of the ordinary sessions;
- b) Form the technical working groups, approve the activity reports of said tables and make recommendations if applicable;
- c) Propose and authorize the participation of expert guests in the technical working groups;
- d) Coordinate actions for the preparation, dissemination, execution, monitoring and evaluation of public policy, as well as promote and monitor permanent plans, programs and projects on human trafficking and/or migrant smuggling;
- e) Propose the signing of bilateral or multilateral, institutional or multisectoral agreements and conventions on trafficking in persons and/or smuggling of migrants for the prevention, investigation of trafficking in persons and smuggling of migrants and the protection of their victims, and other actions within the scope of its competence;
- f) Propose, promote and monitor coordination mechanisms with governments  
Decentralized Autonomous, civil society organizations on human trafficking and/or migrant smuggling;
- g) Promote the implementation of the recommendations of the intergovernmental organizations in which Ecuador intervenes or forms part in the matter of trafficking in persons and/or smuggling of migrants;
- h) Meet, deliberate and issue the necessary guidelines for the due fulfillment of their functions;
- i) Ensure that the information generated by the Committee and the technical working groups is managed with absolute confidentiality, keeping for this purpose the legal parameters provided for in the Organic Law of Transparency and Access to Public Information;

- j) Elaborate, approve, reform secondary regulations for its operation; k) Create the Case Coordination Team for the Protection of Victims of Trafficking in Persons and Smuggling of Migrants of the Inter-institutional Committee, which, among its powers, will coordinate care, protection and comprehensive reparation of the rights of victims of trafficking, of persons and/or smuggling of migrants, in accordance with the competencies of each institution; as well as technically analyze the documentation of the case victims of human trafficking, through a reasoned act adopted by a simple majority, and establish the need to grant a humanitarian visa; and,
- l) The others provided for in current regulations.

**Article 175.- System for the registration of cases of trafficking in persons and smuggling of migrants.-**

The Computer System for the Registration of Cases of Trafficking in Persons and Illicit Smuggling of Migrants, is a technological platform that organizes and concentrates information on all cases of human trafficking and smuggling of migrants identified, including, but not limited to: the data of the victims and perpetrators; the general information of the fact and the follow-up of the cases, including their judicialization; and, police and victim protection activities. All this information will be provided by the institutions of the Inter-institutional Committee within the framework of their powers, and in accordance with the inter-institutional mechanisms and processes for the exchange of information created for this purpose.

The system will constitute a tool for internal and exclusive use of the institutions with access to the information fields that correspond to them, through assigned profiles, according to the role of each institution and type of user.

The entry or transfer of information will remain confidential at all times and in no case will it be publicly accessible; The registry will provide the necessary security to avoid the indiscriminate disclosure of data.

All the information will be recorded by the delegates of each institution officially appointed by the highest authority and they will sign a confidentiality document for the use of the system. Those who administer and manage the information will be responsible for the civil, administrative or criminal consequences that may arise due to its misuse.

**Article 176.- Protection of victims of human trafficking and migrant smuggling.-** Victims of human trafficking and migrant smuggling shall receive free and timely care and comprehensive protection from the competent institutions, including legal advice, comprehensive health, institutional care, food, clothing, translator or interpreter and any other measure necessary to guarantee their physical and psychological integrity. For comprehensive care and protection, the approaches, principles and legal precepts established in national and international instruments will be considered.

The victim's information will be confidential and will be exchanged exclusively through the technical teams responsible for providing comprehensive protection services.

The institutions that make up the Inter-institutional Committee will implement specialized action instruments for the care and protection of victims of human trafficking and migrant smuggling. In cases where victims of human trafficking and migrant smuggling enter the System of

Protection of Victims, Witnesses and like other participants in the criminal process of the State Attorney General's Office, it will be this entity that coordinates comprehensive care and protection.

Comprehensive protection will be provided to victims without prior requirement of reporting or participating in the criminal process in a consensual and informed manner. To fulfill this obligation, the Ministry of Government will coordinate the needs identified, from the moment the case is known through any of the available means of communication, for which it will activate the Case Coordination Team of the Inter-institutional Committee.

All cases will be immediately forwarded to the specialized unit of the National Police for verification and prosecution, if appropriate; as well as to the competent institutions in providing specialized protection services to children or adolescents and adults, in accordance with the instruments of action adopted for this purpose.

All services provided by the competent institutions must be entered into the System for the Registration of Cases of Trafficking in Persons and Smuggling of Migrants.

**Article 177.- Follow-up of the cases of victims of trafficking in persons and smuggling of migrants.-** The institutions of the Interinstitutional Committee in charge of assisting and protecting victims of trafficking in persons and smuggling of migrants, must carry out a follow-up of the services provided and the situation of the victim served, information that must also be entered into the Registry System for Cases of Trafficking in Persons and Smuggling of Migrants.

The governing body for human rights will monitor the situation of adult victims of human trafficking, for a period of one (1) year from the date of departure from the shelter, through the specialized services of special protection and in accordance with current regulations. The same will apply to cases of migrant smuggling once the victims return to Ecuador. In both cases, you must submit quarterly reports to the Ministry of Government.

The Council of the Judiciary and the State Attorney General's Office will monitor the judicial processes of cases of trafficking in persons and smuggling of migrants, and will enter the necessary information into the System for the Registration of Cases of Trafficking in Persons and Illicit Trafficking of Migrants. Migrants.

**Article 178.- Permanence of the victims of human trafficking.-** Foreign victims of human trafficking and migrant smuggling may access the humanitarian visa, in application of the provided in article 93 of this Regulation.

**Article 179.- Assisted return of foreign victims of human trafficking and migrant smuggling.-** With regard to assisted return, the provisions of current international regulations on the matter shall apply, for which the Ministry of Government will coordinate with the human mobility authority and the competent authorities of the victim's country of origin, their return in conditions of safety and personal dignity, in accordance with the technical instruments developed for this purpose.

**Article 180.- Assisted return of Ecuadorian victims rescued abroad.-** The Ministry of Foreign Affairs and Human Mobility, through its diplomatic missions or offices

accredited consular offices abroad, will facilitate emergency attention and protection and will coordinate with the Ministry of Government the assisted return in conditions of safety and personal dignity.

For this purpose, the Ministry of Government, in coordination with the human mobility authority, will develop the pertinent technical instruments.

### TITLE III TRAVEL DOCUMENTS AND LEGALIZATION SERVICE

#### CHAPTER I TRAVEL DOCUMENTS

##### Section I Passport issuance

**Article 181.- Stewardship.-** The stewardship in the field of travel documents corresponds to the Ministry of Foreign Affairs and Human Mobility; as well as the issuance and granting of the same.

The issue and its format will be subject to binding national and international regulations on the matter, with the technical and security characteristics of passport booklets.

**Article 182.- Types of passport.-** The passport is the travel document that allows the Ecuadorian person to enter and leave the national territory and identify himself abroad.

The Ecuadorian State will confer the following types of passports:

1. Ordinary;
2. Diplomat;
3. Official; and,
4. Emergency.

**Article 183.- General requirements.-** To obtain a passport, the following general requirements must be met:

1. Physical presence of the applicant before the issuing authority.  
In proven exceptional cases and emergencies, prior authorization from the corresponding unit of the Ministry of Foreign Affairs and Human Mobility, manual data capture may be used;
2. Presentation of the citizenship and/or identity card.  
In exceptional cases of Ecuadorians abroad who do not have a citizenship card, a mechanism will be used to determine the identity and citizenship of the person.  
  
Naturalized citizens will also submit a copy of their naturalization letter, the validity of which must be confirmed with the administrative unit responsible for naturalizations;
3. Payment of the respective fee;

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4. In the case of girls, boys or adolescents, the presence of the parents, or of the person exercising legal representation or parental authority and, in their absence, power of attorney granted before a Notary Public or competent authority; and,
5. Others that, due to the specialty of each type of passport, establish the protocol that the effect issued by the human mobility authority.

Once the request has been received, the competent authority will verify compliance with the requirements and verify the existence of previous travel documents.

**Article 184.- Refrain from granting travel documents.-** The Ministry of Foreign Affairs and Human Mobility through its administrative units, and the General Directorate of Civil Registry, Identification and Identification and its dependencies, will refrain from granting passports to Ecuadorian citizens, as well as an emergency passport or special travel document for foreign citizens with status as residents or non-residents in Ecuador, who are fugitives from justice or are serving executory sentences of deprivation of liberty issued by authority Ecuadorian judicial; who are serving sentences even in an open or semi-open regime; or, to a person who has an express court order that prohibits their departure from the country, whatever the cause for which said court order was issued.

For compliance with the preceding paragraphs, the Judiciary Council, the Ministry of the Interior or any other competent national authority, will send the respective convictions or orders of arraigo, prohibition to leave the country or their removal to the Ministry of Foreign Affairs and Human Mobility. survey, in which the case will be recorded, the identity of the respective person, singling out full names and surnames, and citizenship card number. In the case of foreigners, identity document of the State of their nationality or the identity card issued by the General Directorate of Civil Registry, Identification and Cedulation.

Excepted from this article is the granting of an emergency passport for persons who are required for extradition or are immersed in approved processes for the transfer of sentenced persons, in accordance with the international instruments signed by Ecuador.

**Article 185.- Repeated request for a travel document.-** The Ministry of Foreign Affairs and Human Mobility and its bodies, the General Directorate of Civil Registry Identification and Identification and its dependencies, when they grant the same type of passport, for more than three ( 3) occasions, within one (1) year to the same person, they will notify the Ministry of Government about the fact, prior communication to the petitioner.

The Ministry of Government, through the unit in charge of trafficking in persons and smuggling of migrants, will gather the necessary elements that allow the State Attorney General's Office to be informed of this fact so that it can initiate the investigation. If this is the case, protection mechanisms for the victim will be put in place immediately.

From the third issuance of the passport, the surcharge established in the respective tariff will be charged.

**Article 186.- Registration, filing and destruction.-** Diplomatic and official passports withdrawn or returned will be delivered to the Ministry of Foreign Affairs and Human Mobility. Abroad, they will be delivered to the Consular Offices and Embassies of Ecuador. In all cases, it

They will remain in their custody until they expire. Passports will be returned to their holders if required by them.

The unit in charge of travel documents, as well as the Zonal Directorates, will keep a record of the valid diplomatic, official and ordinary passports in their custody.

Once its expiration is verified, it will coordinate with the unit of species valued for its destruction, in accordance with the Regulation of the matter.

Abroad, the Consular Offices and Embassies of Ecuador, verified their expiration, will proceed to destroy them by the most suitable means, prior authorization from the valued species unit. They will register the fact in the passport system, and the corresponding lists and minutes will be sent to said unit and to the unit in charge of travel documents.

## Section II

### Diplomatic and official passport

**Article 187.- Issuance of the passport.-** The diplomatic and official passport will be issued by the Ministry of Foreign Affairs and Human Mobility; and abroad, with prior authorization from the Head of Diplomatic Mission.

Abroad, the passport of the Head of Diplomatic Mission and of his spouse and dependent children will be authorized by the official who follows him in rank.

The authority of the Ministry of Foreign Affairs and Human Mobility in Ecuador in charge of issuing diplomatic and official passports will insert, starting on page 20, the exit stamp with the time of authorization for its use. The authorization to use said travel document will be stamped by written request of the authority that requested said passport, and the time will be determined by the authority in charge of stamping the exit stamps.

The administrative units that issue the passport will record the quality of the holder on page 3 of the passport.

The requesting authority must prove with the corresponding documents the position held and the delegation of the official for whom the travel document is requested.

**Article 188.- Visa Requests.-** Requests for the issuance of visa verbal notes to travel abroad with a diplomatic or official passport to carry out official acts will be signed by the highest authority of the institution that requested said passports and will be addressed to the unit authority of the Ministry of Foreign Affairs and Human Mobility. Foreign Service officials will formulate requests for the issuance of Visa Verbal Notes to carry out official acts abroad or by rotation.

No citizen will carry more than one valid passport of the same type at the same time, being possible to have a diplomatic and an ordinary passport; or an official passport and an ordinary one.

Holders of more than one passport must use the same type of passport, both when entering and leaving the national territory. The fulfillment of this obligation will be in charge of the immigration authorities.

**Article 189.- Dependents.-** In the case of diplomatic officials and technical or auxiliary personnel of the foreign service on a permanent mission abroad, of commercial attaches, military attaches, deputies and administrative personnel accredited to a military attaché office, representatives before international organizations, Also, your spouse or partner in a legally declared de facto union and your dependent children who live under the same roof will have the right to a diplomatic or official passport and the respective visa request note. The children must be single, prove not to be affiliated with the IESS if they are of legal age and depend on the holder. Diplomatic or official passports cannot be granted if the spouse, partner or children live in a different country from the holder.

### **Section III emergency passport**

**Article 190.- Beneficiaries.-** The emergency passport will be issued in the following cases:

1. To Ecuadorian persons who, due to loss or theft of their valid travel document, cannot access an ordinary passport in a timely manner, or to those who present a situation of vulnerability and do not have the travel document that allows them to return to Ecuador. country of your residence;
2. To Ecuadorian people when they are required or arranged by national or foreign administrative or judicial authority within administrative processes of a migratory nature in which their deportation or expulsion is ordered; and, in legal cases in which the issuance of the travel document is required to materialize and execute his extradition;
3. To foreign persons with status of resident or recognized as holder of international protection, who cannot access a travel document that allows them to return to Ecuadorian territory. It is not possible to apply for an emergency passport in the country of origin of the foreigner residing in Ecuador;
4. To foreign persons who are residents in Ecuador and who are in a country other than their origin and who are required for extradition by the Ecuadorian judicial authority, when the process has concluded and the State to which their extradition was requested has resolved its concession. This travel document will make it possible to materialize and execute your extradition from that third country; and,
5. To foreign persons who, not being residents, in case of loss or expiration, on their part require said travel document to leave for the nearest country where a consular office of their country of nationality is located. This issuance will be made once the identity of the applicant is validated, without this implying the obligation to grant said travel document.

### **Section IV special travel document**

**Article 191.- Beneficiaries.-** Foreign persons who are in Ecuador, recognized as asylees, refugees or stateless persons, who cannot obtain a passport from their country of origin,

They will request the issuance of the special travel document from the Ministry of Foreign Affairs and Human Mobility. The international protection administrative unit will qualify and, if applicable, will approve and transfer the person's request to the competent unit in travel documents for the respective issuance of the document.

## Section V

### Lost or stolen travel documents

**Article 192.- Complaint for loss or theft of passport.-** For cases of loss or theft of travel documents, prior to the granting of a new passport, other than the emergency one, in addition to the general requirements, the report to the local competent authority.

Abroad, if it is not possible to present the complaint, after the situation has been assessed by the authority, it will be allowed to present a sworn statement from the person concerned indicating such loss or theft. Procedures or mechanisms will be used to simplify the process of denouncing the passport.

## CHAPTER II LEGALIZATION SERVICES

**Article 193.- Documents granted abroad.-** The State and the public sector entities that make up the public administration may not require that the documents granted in foreign territory, legalized by a diplomatic agent or consul of Ecuador accredited abroad, be authenticated. or legalized by the Ministry of Foreign Affairs and Human Mobility. Neither will a new legalization or authentication of the documents granted before the consuls of Ecuador be required, in the exercise of notarial functions. However, the status of Ad-honorem consul must be certified by the Ministry of Foreign Affairs and Human Mobility and will be stated in the respective document.

**Article 194.- Consular cooperation.-** In accordance with the Consular Cooperation Agreements, if there is no diplomatic or consular agent of Ecuador, the documents may be legalized by a diplomatic or consular agent of any State party to the Agreement. The documents for their full validity will be endorsed by the Ministry of Foreign Affairs and Human Mobility, in accordance with the current Agreement.

## Section I

### Legalizations and apostille

**Article 195.- Legalization.-** Legalization is the administrative act of verification and verification of the signature that appears on the document presented and by which its granting is attested, whose attribution falls on the administrative unit that the Ministry of Foreign Affairs and Human Mobility designates, or the one issued by the Ecuadorian consular officer abroad.

The Ministry of Foreign Affairs and Human Mobility or the administrative unit designated by it, will keep a special register containing, in order of presentation, duly numbered, the legalizations and apostilles that are processed.



**Article 196.- Apostille.-** It is a simplified method of legalization of documents that are going to be presented in other countries. It is governed by the 1961 Hague Apostille Convention.

**Article 197.- Competence.-** The competent administrative unit of the Ministry of Foreign Affairs and Human Mobility will legalize or apostill, as appropriate, the signatures of public servants that appear in documents granted in Ecuador so that they take effect abroad.

**Article 198.- Registration of signature and signature.-** All Ecuadorian public servants, notaries and delegated authorities whose signatures must be legalized, will register in the competent administrative unit of the Ministry of Foreign Affairs and Human Mobility their names, ID number, position, and signature and rubric with which the public acts are signed, within a period of fifteen (15) days counted from the day of possession.

The condition of official and his appointment will be proven with the presentation of the appointment and action of personnel or corresponding document in force.

**Article 199.- Legalization or apostille of signatures.-** The competent unit of the Ministry of Foreign Affairs and Human Mobility will legalize the signatures of diplomatic or consular agents accredited before the Government of Ecuador or its concurrent offices.

## TITLE IV IMMIGRATION CONTROL

### CHAPTER I GENERAL DISPOSITION

#### Section I Rectory

**Article 200.- Governing Body.-** The Ministry of the Government, through the Undersecretariat for Migration, will exercise leadership as the immigration control authority, in compliance with the precepts established in the Constitution of the Republic on the matter and will exercise the powers established in the Organic Law of Human Mobility, this Regulation and other regulations in force.

The human mobility authority will send the information in real time through the technological platform, corresponding to the immigration control authority and the General Directorate of the Civil Registry, Identification and Identification, regarding the issuance, cancellation, revocation and renewal of visas, as well as the change of migratory category, and the others that are required by reason of its competence, without prejudice to the principles determined by this Regulation, in order to keep the database of the computerized migration system updated.

**Article 201.- Registration, entry and exit control of persons.-** The immigration control authority will carry out the control and registration of entry and exit of national and foreign persons to the national territory in the ports, airports and official border crossings, and will write down the observations that are made.

presented in the migration computer system, in accordance with the provisions of the Organic Law on Human Mobility.

**Article 202.- Control of the permanence of foreign persons in the national territory.-** The immigration control authority will have the power to control, review and verify the situation of migratory permanence of foreign persons within the Ecuadorian territory and impose sanctions. that correspond, for this purpose the support of the National Police may be counted on, when it is considered pertinent.

In the event that the foreign person does not carry a travel or identification document that justifies their identity and regular immigration status, the immigration control authority, with the support of the National Police, if necessary, will verify and corroborate the data of the persons and their migratory situation in national territory in the Migratory Support Service of the province in which the migratory control has been carried out, the closest to it or that of the place of residence of the foreign person, in accordance with the instrument that is issued for the effect, with the exception of children and adolescents who are not accompanied by their parents, one of them, legal guardians or those who exercise parental authority or authorized third parties, in which case the authority will be informed immediately. competent to continue the respective protection protocols.

The Ministry of Government, through the Immigration Control Directorate, may require the support of the units of the National Police and other State institutions, when it deems it pertinent, according to its competence, to carry out migratory control at the national level, as well as request information from public and private institutions on the immigration status of foreigners, without prejudice to the principles determined by this Regulation.

**Article 203.- Registration of information on exit permits for children and adolescents from the country in the National Information System on Human Mobility.-** The immigration control authority will control and verify the exit authorizations for girls from the country. , children and adolescents at official immigration control points nationwide; In addition, it will register in the migration computer system, information that will be permanently updated and shared with the National Information System on Human Mobility.

**Article 204.- Information and coordination of deportation procedures with the human mobility authority.-** The immigration control authority will inform the human mobility authority through official means of the start of the procedure for the deportation of a foreign person who has incurred in a of the grounds for deportation established in the Organic Law of Human Mobility. The foreign person must be notified together with the reasoning of the corresponding decision.

**Article 205.- The execution of the deportation of foreign persons according to the procedure established in the Organic Law of Human Mobility.-** The Ministry of Government through the responsible area once the administrative decision of deportation has been issued, will be responsible for the transfer of the deported person with the support of the National Police when the case warrants it and upon request. If this is the case, actions will be coordinated with the human mobility authority, within the framework of its powers, and all international conventions or instruments signed by Ecuador on deportation and human rights will be applied.

**Article 206.- Identification of cases of trafficking in persons and smuggling of migrants.-** The Ministry of Government, through the responsible area, will collaborate in the identification of presumed cases of trafficking in persons or smuggling of migrants, both at points of official migratory control, as well as inside the country through permanence control. If there is a presumption of cases of trafficking in persons or smuggling of migrants, the corresponding state agencies will be notified immediately, as stipulated in the protection and assistance routes.

in force, to the National Police and other state agencies, according to their competence and in accordance with the regulations adopted for this purpose.

**Article 207.- Monitoring of situations of risk in which people in human mobility may be involved.-** The immigration control authority, in case of presuming a situation of risk of a person in human mobility, regardless of their migratory status and that they do not constitute indications of trafficking in persons or smuggling of migrants, it shall immediately inform the human mobility authority, so that it can immediately execute the protection actions with the national and international organizations that the case warrants.

**Article 208.- Imposition of administrative sanctions.-** The immigration control authority will impose administrative sanctions on the foreign person and will order the payment of fines for having incurred in migratory offenses provided for in the Organic Law of Human Mobility, and may require the assistance of the National Police when the case warrants it and under the express guidelines of the immigration control authority.

**Article 209.- Extension of stay authorization.-** The immigration control authority will be in charge of granting an extension of up to ninety (90) additional days only once during its chronological year, the same ones that will be continuous and counted independently if the foreign person is inside or outside the Ecuadorian territory while the extension time granted is running.

The request for an extension of the tourists who entered with authorization to stay must be made while their authorized stay is in force, upon request and payment of the fee, which will be one third of the Unified Basic Salary.

**Article 210.- Registry of migratory information.-** The migratory control authority may implement the necessary mechanisms and procedures to ensure that foreign persons in human mobility, prior to their entry and/or during their stay in Ecuadorian territory, regardless of their immigration status and without prejudice to the principles determined by this regulation, register and/or update informative data such as places of permanence in Ecuadorian territory, emails, academic or professional training, or other biographical or biometric information that is considered pertinent for the definition of policies, plans and programs, national and sub-national.

## Section II

### Entry, Exit and Immigration Control of the National Territory

**Article 211.- Entry and exit from the national territory.-** For the entry and exit of national and foreign persons to Ecuador, the immigration control authority will verify and carry out the following:

1. Valid and current travel document or identification document.

The foreign person to enter the country must carry their passport with a minimum validity of six months prior to its expiration, excepting from this requirement the foreign person who presents an emergency passport or those persons who, according to secondary regulations issued by the human mobility authority, have authorization to carry a passport with a validity other than six months.

South American citizens may present their valid national identity document, current and recognized by Ecuador;

2. Registration of entry or exit in the migration computer system; and,
3. Valid visa in accordance with the provisions of the Organic Law of Human Mobility.

For the entry and exit of people from cross-border peoples and nationalities, the migration control authority will regulate based on the provisions of international instruments.

Likewise, the entry and exit of people who move in the Border Integration Zone, people in need of International Protection and/or as people subject to protection for humanitarian reasons will be regulated under the corresponding agreements.

When a foreign person intends to enter Ecuador through any official migratory control point at the national level, and invokes international protection, the Ministry of Government through the area responsible for migratory control will immediately inform, by any verifiable means, the human mobility authority to be assisted.

The Ministry of Government through the responsible area will verify in the resolution or list issued by the national authority on public health that, when the foreign person comes from a country where there is an international health alert, the international card or certificate is requested. of vaccination, or other certificate that has been arranged, and immediately proceed according to the regulations established for that purpose.

**Article 212.- Migratory registration of Ecuadorian persons with dual nationality.-** For the registration of the dual nationality of Ecuadorian persons in the migration computer system, the following cases will be considered:

1. That they enter with a foreign travel document stating their place of birth in Ecuadorian territory; or,
2. That they were born abroad and that, after verification by the Ministry of the Government, through the area responsible for immigration control, document that they are descendants up to the third degree of consanguinity of an Ecuadorian person.

The persons included in numeral 2 of this article must also register their dual Ecuadorian nationality before the General Directorate of Civil Registry, Identification and Identification.

**Article 213.- Refusal to leave Ecuador.-** Ecuadorian and foreign persons who have or register the following impediments before the immigration authority will be prevented from leaving the national territory:

1. Order of the competent judicial or administrative authority duly officiated to the Ministry Government through the area responsible for immigration control;

**CONSTITUTIONAL PRESIDENT OF THE REPUBLIC**

2. Not having a valid visa for the country or countries of destination, in the event that said countries that require it; or,
3. Submit falsified or adulterated documentation, determined by a specialist designated by the Ministry of Government through the area responsible for immigration control, who will prepare a duly reasoned report. These people will be placed under the orders of the competent authority as established by the Organic Law on Human Mobility and the Comprehensive Organic Criminal Code.

**Article 214.- Entry of children and adolescents.-** Ecuadorian and foreign children and adolescents may enter the national territory in accordance with the provisions of the Organic Law of Human Mobility.

In the case of Ecuadorian children and adolescents who enter the country alone, they will do so in accordance with the protocol issued for this purpose by the immigration control authority in coordination with the human mobility authority and the competent authority for social protection and inclusion.

The entry into the country of accompanied girls, boys or adolescents, or whose parents, legal guardians or those who exercise parental authority are in Ecuador to receive them, the country will be registered in the computerized migration system, in said registry it must be stated with whom or those who enter or who will be responsible in the country and the place of permanence. This information will feed the database of the integrated national information system on human mobility.

**Article 215.- Exit of children and adolescents.-** Ecuadorian and foreign children and adolescents may leave the national territory under the following conditions:

1. Accompanied by their parents, legal guardians, whoever exercises parental authority or with one of their parents prior notarial, judicial or consular authorization in the Ecuadorian consulates abroad of those who do not travel with them; or,
2. Alone or with third parties prior notarial, judicial or consular authorization in the Ecuadorian consulates abroad of the parents, legal guardians or those who exercise parental authority.

The exit of Ecuadorian or foreign children or adolescents from the country will be registered in the migration computer system, in said registry it must be stated with whom or with whom they leave, who will be responsible for them in the country of destination, as well as the place in which will remain. This information will feed the database of the integrated national information system on human mobility.

The exit from the national territory of Ecuadorian children or adolescents residing in other countries or foreigners who entered as tourists, accompanied or with the proper authorization issued in their countries of origin or residence, will not require authorization issued by the Ecuadorian State.

### **Section III**

#### **inadmissibility**

**Article 216.- Procedure for non-admission.-** The immigration control authority, through the responsible area, will carry out an interview and verification of the travel documents of the people who intend to enter Ecuador.

Inadmission may not be applied to victims of human trafficking and applicants for international protection. In the event that a person who invokes the need for international protection is identified, the immigration control authority will immediately notify the human mobility authority and the Public Defender's Office, in accordance with the protocol established for this purpose between the authorities of human mobility, migration control and Public Defender.

If a possible cause for inadmission is identified, within a maximum period of twenty-four (24) hours from its location, the immigration control authority will carry out the following procedure:

1. Exhaustive interview and verification of travel documents, in coordination with the specialized unit of the National Police, when the case warrants it and upon request;
2. Report on the beginning of the procedure for the non-admission of the foreign person, which must include: biographical data, travel document number, country of origin and provenance, nationality, presumed cause for non-admission, time of location, among others; and, signature of responsibility;
3. Inform the immediate superior of migratory control at airports, border crossings or seaports, the report of the initiation of the inadmission procedure;
4. Notify the human mobility authority and the Public Defender's Office by official means with the report of the initiation of the inadmissibility procedure, indicating the place and time of the hearing, which must take place within twenty-four (24) hours from its detection;
5. Summon the Public Defender's Office to guarantee the defense of the person in the process of inadmissibility;
6. If necessary, will coordinate the assistance of an expert translator or interpreter, to the place and time set for the hearing;
7. Hearing, in which the person in the inadmissibility process will appear, assisted by a private attorney or a public defender and, if necessary, an expert translator;
8. Duly motivated resolution through which the migratory situation of the foreign person will be resolved;
9. Immediately notify the foreign person in the inadmission process, the Public Defender's Office and the human mobility authority, at the end of the hearing, with the resolution on their immigration status; and,
10. Hand over the inadmissible foreign person to the person in charge of the transportation company or direct them to the border migration point, as the case may be.

In the event that the administrative resolution is for the admission of the foreign person, they will be allowed to enter Ecuador and the corresponding registration will be made.

If the inadmissibility of the foreign person is determined, in:

- a) Airports: The transport company and/or natural or legal person, who brought the foreign person to Ecuador, will be notified immediately, with the respective non-admission and custody certificate so that they proceed to transfer them back to the country of origin. origin, last port of shipment, or to any other place where it is permissible.

In the event that the transport company and/or natural or legal person does not comply with the administrative resolution of inadmissibility, it will immediately notify the Directorate of Civil Aviation in order to take the pertinent actions and be obliged

to the transportation company, in accordance with the provisions of the international instruments applied in the matter.

The immigration control authority will be responsible for the care of the foreign person who is in the process of inadmission until it is delivered to the transport company, through the administrative resolution of inadmission or the delivery receipt certificate, as the case may be, by reason of the cause that has been applied.

The implementation of physical spaces in which inadmissible foreigners will remain while boarding is completed will be the responsibility of the airport administrator.

- b) At the land border: the migration of the bordering country will be notified immediately with the respective resolution and record of delivery reception of the foreign person;
- c) In a seaport: the crew chief will be notified immediately with the respective resolution and custody certificate and the foreign person will not be allowed to disembark.

In the event that a possible victim of human trafficking or migrant smuggling is identified, the area responsible for migration control will proceed in accordance with these Regulations and the regulations issued by the Ministry of Government for this purpose.

Exceptionally, when the non-admission is generated in a place where there is no direct way to return the foreign person, in coordination with the human mobility authority and, if considered necessary, with the support of the National Police, transferred to a control point that facilitates such movement. For this purpose, a registration of entry into Ecuadorian territory will not be carried out.

The cases established in numerals 2, 3, 4, 5, 9, 11 and 12 established in article 137 of the Organic Law of Human Mobility are excepted from the hearing procedure.

## Section IV Deportation

**Article 217.- Deportations.-** The immigration control authority through the Immigration Control Directorate, responsible for substantiation, resolution and execution of deportation procedures, will coordinate with the human mobility authority, the units of the National Police and other State institutions, according to their competence, the realization of the same, applying all the international agreements or instruments signed by Ecuador in terms of deportation and human rights.

In cases of identifying refugee applicants, the competent authority in matters of international protection will be informed, so that it can carry out the applicable procedure.

**Article 218.- Notification of voluntary departure from the country.-** The immigration control authority through the responsible area, when it detects foreigners who have not regularized their stay in Ecuador within the term established in the Organic Law of Human Mobility,



will notify the foreign person in writing of the commitment to leave the country within a period of thirty (30) days and the payment of the pecuniary penalty established by law. During this period, the foreign person will not be able to request, renew or change a migratory condition, migratory category or visa.

The notification of voluntary departure from the country will be registered in the immigration computer system, which must be lifted once said sanction has been fulfilled by the foreign person within thirty (30) days.

In case of non-compliance with the term provided in the previous paragraph, the foreign person will be initiated and notified of the start of the administrative procedure for the deportation of the foreign person.

**Article 219.- Administrative procedure for deportation.-** When the immigration control authority becomes aware, by any lawful means, that a person has incurred a cause for deportation, it will initiate the following procedure:

1. Notify in writing the order to initiate the administrative deportation procedure to the foreign person who has incurred in one of the grounds for deportation, as well as to the human mobility authority and the diplomatic or consular mission of the State of nationality of the foreign person, by any valid means provided for in current national legislation;
2. In the order to initiate the administrative deportation procedure, if applicable, the immigration control authority will impose the corresponding precautionary measures on the foreign person in accordance with the Law under what is determined by national regulations, agreements or instruments. agreements signed by Ecuador in matters of deportation and human rights. In the same act, a hearing, face-to-face or telematic, will be convened, indicating the place, day and time for its realization, which must be carried out within a term not exceeding ten (10) days and in which all the evidence will be practiced in accordance with the guarantees of due process. The consequences of non-compliance with the precautionary measures or failure to appear at the deportation hearing will be reported;
3. Notify the Public Defender's Office of the start of the administrative deportation procedure when the foreign person requires it so that he or she can be legally assisted during the procedure. The processed person will exercise his right to be defended in accordance with the principles determined by the Organic Law of Human Mobility and the Constitution of the Republic and the application of the best interests of the child and/or family reunification may be evaluated;
4. If necessary, will coordinate the assistance of an expert translator or interpreter, to the place and time set for the hearing; and,
5. Issue the duly motivated resolution, which will be notified to the administrator in writing within a term not exceeding two (2) days.

If the administrative resolution provides for the deportation of the foreign person, the immigration control authority will adopt the measures that are necessary for the execution of the same, in accordance with the provisions of current regulations and without prejudice to the principles determined in this Regulation; and, when required, will have the support of the National Police. In case of noticing elements of international protection in the administrative procedure of



deportation, the migration control authority must immediately refer the case to the Directorate of International Protection of the human mobility authority.

If the administrative resolution determines that the deportation of the foreign person is not appropriate, the procedure will be archived.

The administrative resolution may be subject to administrative appeals in accordance with current regulations.

Once the firm resolution is available, it will proceed in accordance with what is established by the regulations issued for this purpose.

## Section V Expulsion

**Article 220.- Expulsion.-** The competent judicial authority that, by means of an enforceable judicial resolution, has imposed a custodial sentence of more than five years on foreign citizens, will notify the immigration control authority so that it can record the information in the migration computer system. prohibition to enter the country for a period of ten years counted from the date of exit registration by an official immigration control point. The period of prohibition to enter the country may be reviewed in accordance with specific exceptionalities such as family reunification or the best interests of the child.

The expulsion will not proceed in the cases determined by the Organic Law of Human Mobility and the Comprehensive Organic Criminal Code.

The immigration control authority, in coordination with the human mobility authority, will provide the appropriate means, within the scope of its powers, to execute the judicial resolution of expulsion of foreign citizens. For this purpose, the support of the National Police will be available, in order to provide security in the transfer of the foreign person with an expulsion order.

At the request of the immigration control authority, the human mobility authority will provide the necessary support with the diplomatic missions and foreign consular offices, in order to execute the judicial resolution of expulsion of foreign citizens.

In cases of identifying refugees, the competent authority in matters of international protection will be informed, so that it can carry out the applicable procedure.

## CHAPTER II SANCTION REGIME

### Section I fines

**Article 221.- Permanent residence.-** The official responsible for immigration control who, at the time of carrying out the documentary verification and/or the information of the computer system, to

authorize the entry into the country of a foreign citizen with the category of permanent resident and evidence that said citizen has incurred a migratory offense for exceeding one hundred and eighty days allowed to be absent from the country in each chronological year, continuously or not, you will be notified that prior to your entry you must pay the fine equivalent to fifty percent (50%) of a Unified Basic Salary of the worker in general.

**Article 222.- Immigration sanction for not changing migratory status or category.-** Foreigners will be subject to the sanctions provided for in the Organic Law of Human Mobility, in the following cases:

- a) In the case of the person who has not changed or started the process of changing their migratory category in the time provided by law and is irregular in Ecuadorian territory; or,
- b) In the case of the person who has not changed or started the process of changing their migratory status in the time provided by law and is irregular in Ecuadorian territory.

They will be sanctioned with the payment of a fine corresponding to fifty percent of a unified basic salary of the worker in general.

**Article 223.- Immigration offenses to family nuclei.-** In the case of family nuclei composed of parents and minor children and whose integration is equal to or greater than three (3) people and have not changed their migratory category in the time provided in the law and are in an irregular situation in Ecuadorian territory, the value of the fine will be one (1) Unified Basic Salary of the worker in general per family, for which foreigners must demonstrate their first degree of consanguinity or kinship through the presentation of official documents issued by a competent authority, after which the immigration control authority will generate the monetary sanction that will replace the other constants in the immigration computer system and with the cancellation of the same, all the sanctions registered will be eliminated.

**Article 224.- Administrative sanction for foreigners who left Ecuadorian territory.-** In the event that the foreign person leaves Ecuadorian territory and maintains a migratory offense for having exceeded his authorization to stay as a tourist for ninety (90) days; or, who has or has not obtained an extension of their authorization to remain as a tourist exceeding 90 or 180 days, as appropriate, and has not changed their immigration status within the time provided for in the Organic Law of Human Mobility, and intends to return to the country before of one (1) year counted from the date of the last registered departure, he may return after paying one (1) Unified Basic Salary or obtaining a consular visa for his first entry.

For the application of this administrative sanction, the migratory control points will notify the foreigners immersed in this numeral upon departure about the administrative sanction that limits their return to the country and will make the change of migratory lack in the migratory computer system.

In the case of foreigners who entered the country as tourists with an authorized stay of ninety (90) days and who have or have not obtained an extension exceeding ninety (90) or one hundred and eighty (180) days, exceeding the time of one (1) year counted from his departure from Ecuador, the prescription of the pecuniary sanction will take place, in accordance with the provisions of the Organic Law of Human Mobility.

**Article 225.- The person who has allowed or facilitated a foreign person to evade immigration filters.-** The person who has allowed or facilitated a foreign person to evade immigration control filters and who has been detected by the immigration control authority and/or or the National Police, will be sanctioned with a fine of three (3) Unified Basic Salaries, for which the fact must be formally supported and information on what has been done must be collected in a report or part, which will be sent to the authority. immigration control to carry out the sanctioning process according to the Organic Administrative Code.

**Article 226.- Administrative sanction to the transport company.-** The air, maritime or land transport company that embarks or disembarks foreign persons in places other than those destined for the international transit of persons and that has been detected by the control authority Immigration, the National Police or the armed forces, will be sanctioned with fifteen (15) Unified Basic Salaries, for which the fact must be formally supported and information on what has been done must be collected in a report or part, which will be sent to the immigration control authority to carry out the sanctioning process according to the Organic Administrative Code.

**Article 227.- Companies dedicated to international transport.-** Land, sea or air transport companies that transfer foreign persons to the country without current immigration documentation in accordance with the Organic Law of Human Mobility, this Regulation and other applicable regulations for the purpose , will be sanctioned with a fine of fifteen (15) Unified Basic Salaries by foreign person who does not have said documentation.

The immigration control authority will carry out the corresponding sanctioning process in accordance with the Organic Administrative Code.

**Article 228.- Companies dedicated to international transport that do not provide advance information on travelers and/or crew members.-** Companies dedicated to international land, sea or air transport that operate to or from the country, that do not provide advance information on travelers and/or crew members, in accordance with the provisions of number 10 of article 164 of the Organic Law of Human Mobility, will be sanctioned with a fine of fifteen (15) Unified Basic Wages. Without prejudice to the sanctions determined in this article, the competent authorities will initiate the administrative, civil and/or criminal actions that may arise.

The Ministry of Government, through the area responsible for migration control, will establish the procedures and computer means necessary for this purpose.

**Article 229.- Exception in fines.-** Foreign citizens who are processing their application for temporary residence or permanent and that justify and prove the delay of their processing with an appointment or an admission to process a visa, granted during the period of regular stay of the foreigner.

Children and adolescents will be exempt from paying fines or other pecuniary sanctions for irregular migratory status in accordance with Ecuadorian legislation and other international agreements signed on this matter.

For this purpose, the human mobility authority and the immigration control authority will establish the means for the verification and validity of said documents.

#### **GENERAL DISPOSITION:**

**FIRST.-** The human mobility authority will update the secondary regulations, protocols and instructions, the content of applications and/or forms, as well as the documentation that must be attached to them periodically, observing the principles of simplifying procedures.

**SECOND.-** The human mobility authority may request, at any time, information on human mobility from any of the public sector institutions. Public sector entities that, in the exercise of their powers, are directly or indirectly related to human mobility, the exercise of rights and access to public services for this population regardless of their migratory status, will provide every six months, and when is required, the information they generate with respect to this matter, in accordance with the protocol established for this purpose.

The human mobility authority will administer the National Integrated Information System on Human Mobility, in coordination with the information collected through foreign population censuses implemented by the immigration control authority and other public institutions, who must disaggregate the record of their care by nationality. and immigration status, for statistical purposes.

**THIRD.-** The human mobility authority will articulate with public sector entities plans or programs related to the exercise of rights and duties of people in human mobility in Ecuador and abroad.

**FOURTH.-** The State authorities that have competence in trafficking in persons and smuggling of migrants, will guarantee adequate institutions and services for the effective fulfillment of what is established by the Organic Law of Human Mobility and current regulations. Regarding economic resources, the Ministry of Economy and Finance will guarantee the necessary economic resources for this purpose.

#### **TRANSITORY DISPOSITIONS:**

**FIRST.-** The Ministry of Foreign Affairs and Human Mobility, the Ministry of Government and other public entities related to human mobility, will have a period of four (4) months from the entry into force of this Regulation to issue the secondary regulations that guarantee its effective compliance.

**SECOND.-** The Ministry of Foreign Affairs and Human Mobility, in one (1) month counted from the entry into force of this Regulation, will form the Refugee and Statelessness Commissions in Ecuador; and, within two (2) months after this creation, it will develop the necessary secondary regulations for its operation.

**THIRD.-** The Ministry of Government, within a period of three (3) months, counted from the publication of this Regulation in the Official Registry, will issue the corresponding regulations for the collection of the fines established in the Organic Law of Human Mobility and this Regulation.

**FOURTH.-** Any foreign person who has incurred in a situation of migratory irregularity due to the figures of termination or cancellation of the migratory category or of the stay authorization, may request an appointment through the platform of the Ministry of Foreign Affairs and Human Mobility, to request a new migratory category, complying with the requirements set forth in the Law and in these regulations, within a term of thirty (30) days, counted from the publication of these Regulations, within which they must comply with the payment of the fine for migratory irregularity imposed by the migratory control authority.

**FIFTH.-** Special protection services and emergent protection for victims of human trafficking and smuggling of migrants, will be developed in one (1) year after the entry into force of this regulation.

**SIXTH.-** The Ministries of Foreign Affairs and Human Mobility, Economic and Social Inclusion, Public Health and the Secretariat of Human Rights will develop within a period of three (3) months a humanitarian protocol of comprehensive care for Ecuadorian people who have been deported so that they can count with services from your arrival in the country, having at least service points at the Quito and Guayaquil airports.

**SEVENTH.-** The human mobility authority and other public entities related to human mobility, within the scope of their powers, will have a period of four (4) months from the entry into force of this Regulation to issue secondary regulations that guarantee the effective fulfillment of the norms foreseen in the Organic Law of Human Mobility with respect to the Ecuadorian returnees.

**EIGHTH.-** The human mobility authority, by virtue of the provisions inserted in section II, Chapter V, FOREIGN PERSONS IN INTERNATIONAL PROTECTION, of the Organic Law of Human Mobility, will have a period of four (4) months, from the entry into force of this Regulation to issue the secondary regulations that develop the procedures for the granting of diplomatic and/or territorial asylum in Ecuador.

**NINTH.-** The Ministries of Foreign Affairs and Human Mobility and the Ministry of Telecommunications, within a period of two hundred and seventy (270) days from the entry into force of this Regulation, will order their competent Administrative Units to implement the necessary actions in order to optimize the administrative processes and the necessary technological tools for the granting of passports to Ecuadorian citizens abroad.

**TENTH.-** While the administrative processes and technological tools are optimized, the Ministry of Foreign Affairs and Human Mobility will order the adoption and instrumentalization of the necessary administrative processes, so that, in exceptional cases, it issues a certification stating the extension of the validity of Ecuadorian machine-readable passports. The exceptional situation will be configured by the impossibility for the holders of such travel documents who are abroad to present themselves at the consular offices to be granted a passport with active validity. The Ministry of Foreign Affairs and

GUILLERMO LASSO MENDOZA

Official Registry - Third Supplement to the Official Registry, March 10, 2022

**CONSTITUTIONAL PRESIDENT OF THE REPUBLIC**

Human Mobility will establish an expedited administrative procedure for the issuance of such certificate. In addition, it will inform the member states of the international community, through the appropriate diplomatic channels, of the content of this normative provision. The certificate of extension of the validity of passports will be granted free of charge. The extension of validity may be extended for up to one year, from the expiration date of each passport.

#### **SINGLE AMENDMENT PROVISION:**

Add in article 20 of the Regulation to the Title of the Customs Facilitation for Trade, of the Book V of the Organic Code of Production, Trade and Investment, after literal c), the following:

*"d) Packages that correspond to shipments of goods by Ecuadorian persons residing abroad for the family number residing in Ecuador, provided that the weight is equal to or less than four (4) kilograms per package and the value FOB is less than or equal to a unified basic salary, with no limit on the number of shipments."*

#### **SOLE REPEALING PROVISION:**

Repeal the Regulation to the Organic Law of Human Mobility, published in the Official Register Supplement No. 55, of August 10, 2017; and other provisions of equal or lesser hierarchy that oppose this Regulation.

#### **SOLE FINAL PROVISION:**

This Executive Decree will enter into force as of the date of its publication in the Official Registry.

Given in the city of Santiago de Guayaquil, on February 18, 2022.

## **PRESIDENCY OF THE REPUBLIC OF ECUADOR**



Electronically signed by:  
WILLIAM ALBERT  
SANTIAGO LASSO  
MENDOZA

William Lasso Mendoza

**CONSTITUTIONAL PRESIDENT OF THE REPUBLIC**

Quito, March 8, 2022, I certify that the foregoing is a true copy of the original.

**Electronically signed document**

Dr. Fabián Teodoro Pozo Neira

GENERAL LEGAL SECRETARY

OF THE PRESIDENCY OF THE REPUBLIC OF ECUADOR

100



N° 355

**GUILLERMO LASSO MENDOZA****PRESIDENTE CONSTITUCIONAL DE LA REPÚBLICA****CONSIDERANDO:**

Que el numeral 8 del artículo 3 de la Constitución de la República establece como deber primordial del Estado garantizar a sus habitantes el derecho a una cultura de paz y a la seguridad integral;

Que el artículo 35 de la Constitución de la República considera a las personas privadas de libertad como un grupo de atención prioritaria, y establece que estas recibirán atención prioritaria y especializada en los ámbitos público y privado;

Que el número 18 del artículo 147 de la Constitución de la República atribuye al Presidente de la República la facultad discrecional de indultar, rebajar o conmutar las penas, de acuerdo con la ley;

Que el artículo 201 de la Constitución de la República dispone que el sistema de rehabilitación social tendrá como finalidad la rehabilitación integral de las personas sentenciadas penalmente para reinserterlas en la sociedad, así como la protección de las personas privadas de libertad y la garantía de sus derechos;

Que el artículo 202 de la Constitución de la República dispone que el Sistema Nacional de Rehabilitación Social garantizará sus finalidades mediante un organismo técnico encargado de evaluar la eficacia de sus políticas, administrar los centros de privación de libertad y fijar los estándares de cumplimiento de los fines del sistema;

Que el número 15 del artículo 12 del Código Orgánico Integral Penal establece que la persona privada de libertad, cuando cumpla la condena, reciba amnistía o indulto o se revoque la medida cautelar, será liberada de manera inmediata, siendo necesario únicamente la presentación de la orden de excarcelación emitida por la autoridad competente;

Que el artículo 74 del Código Orgánico Integral Penal señala que el Presidente de la República podrá conceder indulto, conmutación o rebaja de las penas impuestas en sentencia ejecutoriada cuando la persona ha demostrado buena conducta posterior al delito;

Que el Reglamento para la Concesión de Indulto, Conmutación o Rebaja de Penas define al indulto presidencial como una facultad discrecional del Presidente de la República que consiste en otorgar, de oficio o previa solicitud, la conmutación, rebaja o perdón del cumplimiento de penas, aplicable a personas que se encuentren privadas de su libertad en virtud de una sentencia ejecutoriada y que observen buena conducta posterior al delito; a la vez, este indulto no extingue la reparación integral a la víctima dispuesta en la sentencia condenatoria;

Que el artículo 2 del Reglamento para la Concesión de Indulto, Conmutación o Rebaja de Penas define a la buena conducta como el comportamiento de la persona privada de la libertad que no ha sido sancionado disciplinariamente por la comisión de faltas graves o gravísimas previstas en los artículos 723 y 724 el Código Orgánico Integral Penal; y, a la conducta ejemplar como el comportamiento de la persona privada de la libertad que no ha sido sancionada disciplinariamente por la comisión de faltas leves, graves o gravísimas previstas en el Código Orgánico Integral Penal;

Que el artículo 4 del Decreto Ejecutivo N° 560 de 14 de noviembre de 2018, publicado en el Registro Oficial Suplemento N° 387 de 13 de diciembre de 2018, determina que el Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores (SNAI) ejercerá todas las atribuciones constantes en leyes y demás normativa vigente sobre rehabilitación, reinserción, seguridad, indultos, conmutación o rebaja de penas y medidas cautelares para personas adultas privadas de libertad;

Que el artículo 14 del Reglamento del Sistema Nacional de Rehabilitación Social establece que el Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores o quien hiciere sus veces, es la entidad encargada del Sistema Nacional de Rehabilitación Social y consecuentemente, constituye el Organismo Técnico del Sistema Nacional de Rehabilitación Social;

Que los artículos 249 y 250 del Reglamento del Sistema Nacional de Rehabilitación Social establecen que la comisión especializada para el cambio de régimen de rehabilitación social, indultos, repatriaciones y beneficios penitenciarios cumplirá, entre otras atribuciones, las siguientes: emitir los informes técnicos motivados, dirigidos a la máxima autoridad de la entidad encargada del Sistema Nacional de Rehabilitación Social, correspondientes a las solicitudes de indulto presidencial respecto a las penas impuestas en sentencia ejecutoriada, para el trámite pertinente; y, emitir el informe no vinculante sobre el cumplimiento de requisitos para la concesión de indultos, conmutación o rebaja de penas;

Que respecto del hacinamiento, la Corte Constitucional del Ecuador, en el párrafo 29 del Auto de fase de seguimiento No. 4-20-EE/21 y acumulado de 03 de marzo de 2021, señala que “29. *La implementación de soluciones estructurales requiere de la participación multiagencial, ya que no solo depende de la Función Ejecutiva (entidades que conforman el Directorio del Organismo Técnico que tiene el deber de emitir políticas públicas en el sistema de rehabilitación social) sino de las otras funciones del Estado como la Función Legislativa en su rol de adecuar el sistema jurídico con los fines de rehabilitación y reinserción social, y la Función Judicial en su rol de garantizar el respeto de los derechos de las personas privadas de libertad reconocidos en la Constitución, como por ejemplo, aplicar el principio de derecho penal mínimo encaminado a considerar la privación de libertad como excepcional y reducir el hacinamiento carcelario*”;

Que el párrafo 127 de la Sentencia No. 365-18-JH/21 y acumulados de 24 de marzo de 2021, señala que “*La prevención de la violencia en los centros de privación de libertad está estrechamente vinculada a la erradicación del hacinamiento, la asignación de suficiente personal capacitado e idóneo, la erradicación de ambientes violentos y la construcción de cultura de paz, entre otras necesarias para que la privación de libertad no exceda el nivel inevitable de sufrimiento inherente a esta condición. Esos factores, sumados a la carencia de servicios básicos, infraestructuras deterioradas, alimentación inadecuada, limitación al acceso al agua y en general el deterioro de las condiciones de permanencia propician escenarios para la ocurrencia de hechos violentos, tales como los denominados amotinamientos*.”;

Que el Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores (SNAI) informa mediante Oficio No. SNAI-SNAI-2022-0270-O que con corte



al 28 de enero de 2022 el Sistema de Rehabilitación Social alberga a 34.821 personas privadas de libertad, en una capacidad instalada de 30,169 plazas;

Que el Estado ecuatoriano debe adoptar medidas a corto plazo que permitan intervenir en el Sistema Nacional de Rehabilitación Social, mientras se continúan las medidas a mediano y largo plazo que mejoren las condiciones de las personas privadas de la libertad en el marco de la protección de derechos y rehabilitación social;

Que el indulto presidencial busca ser una medida emergente a corto plazo para reducir el hacinamiento en los centros de privación de libertad, para personas con sentencia condenatoria ejecutoriada de delitos de baja peligrosidad, y que hayan cumplido un porcentaje de su pena en régimen cerrado;

Que la Presidencia de la República en virtud de la potestad discrecional otorgada constitucional y legalmente, concede indultos para reducir el hacinamiento en los centros de privación de libertad, en el marco de la protección de derechos, y como una medida pronta a la pacificación de los centros de privación de libertad; y,

En ejercicio de la facultad que le confiere el número 18 del artículo 147 de la Constitución de la República del Ecuador,

#### **DECRETA:**

**Artículo 1.-** Conceder el Indulto Presidencial que consiste en el perdón de la pena impuesta a favor de toda persona privada de la libertad con sentencia ejecutoriada que, a la fecha de la expedición de este Decreto Ejecutivo, reúna todos los siguientes requisitos:

1. Sentencia condenatoria ejecutoriada bajo las normas del Código Penal y Código de Procedimiento Penal por alguno de los siguientes delitos: robo (salvo las excepciones indicadas en este artículo), hurto, estafa o abuso de confianza;
2. Haber cumplido al menos el 40 % de la pena privativa de la libertad impuesta;
3. Que no mantenga otras sentencias condenatorias ni medidas cautelares vigentes en su contra;
4. Que no tenga un proceso penal ni investigación previa en su contra; y,
5. Que no haya sido sancionada disciplinariamente por la comisión de faltas leves, graves o gravísimas previstas en el Código Orgánico Integral Penal, desde su ingreso al centro de privación de libertad en cualquiera de sus tipos.

El indulto dispuesto en este artículo no extingue la reparación integral a la víctima dispuesta en la sentencia condenatoria, manteniéndose incluso aquellas de naturaleza pecuniaria; y, tampoco extingue la multa impuesta en sentencia.

No recibirán indulto aquellas personas sentenciadas por el delito de robo tipificado en los dos últimos incisos del artículo 552 del Código Penal, es decir, aquellas personas sentenciadas por robo que ha ocasionado muerte o incapacidad permanente.

**Artículo 2.-** Conceder el Indulto Presidencial que consiste en el perdón de la pena impuesta a favor de toda persona privada de la libertad con sentencia ejecutoriada que a la fecha de expedición de este Decreto Ejecutivo, reúna todos los siguientes requisitos:

1. Sentencia condenatoria ejecutoriada bajo las normas del Código Orgánico Integral Penal por alguno de los siguientes delitos: robo (salvo las excepciones indicadas en este artículo), hurto, estafa (salvo las excepciones indicadas en este artículo) o abuso de confianza;
2. Haber cumplido al menos el 60% de la pena privativa de la libertad impuesta;
3. Que no mantenga otras sentencias condenatorias ni medidas cautelares vigentes en su contra;
4. Que no tenga un proceso penal pendiente, ni investigación previa en su contra; y,
5. Que no haya sido sancionada disciplinariamente por la comisión de faltas leves, graves o gravísimas previstas en el Código Orgánico Integral Penal, desde su ingreso al centro de privación de libertad en cualquiera de sus tipos.

El indulto dispuesto en este artículo no extingue la reparación integral a la víctima dispuesta en la sentencia condenatoria, manteniéndose incluso aquellas de naturaleza pecuniaria; y, tampoco extingue la multa impuesta en sentencia, ni la o las penas no privativas de libertad impuestas.

No recibirán indulto aquellas personas sentenciadas por el delito de robo tipificado en el cuarto y sexto inciso del artículo 189 del Código Orgánico Integral Penal, es decir, aquellas personas sentenciadas por robo que ha ocasionado muerte o alguna de las lesiones descritas en el numeral 5 del artículo 152 de Código Orgánico Integral Penal.

En el caso de las personas sentenciadas por estafa, únicamente recibirán el indulto quienes hayan sido condenadas por el primer inciso del artículo 186 del Código Orgánico Integral Penal. Es decir que se excluyen de este indulto las personas sentenciadas por cualquiera de los numerales e incisos a continuación del primer inciso del artículo 186 del Código Orgánico Integral Penal.

**Artículo 3.-** El Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores (SNAI), a través de la dirección competente, gestionará de oficio que los centros de privación de libertad realicen la verificación de la identidad de cada persona privada de la libertad que pretenda acceder al Indulto Presidencial dispuesto en este Decreto Ejecutivo, y el cumplimiento de los requisitos establecidos en el mismo y en la normativa vigente.

Respecto de las personas privadas de libertad que sí cumplan los requisitos establecidos en este Decreto Ejecutivo, el Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores (SNAI) remitirá de oficio la información al juez de garantías penitenciarias

competente para que en ejercicio de sus facultades expida la boleta de excarcelación, de conformidad al numeral 15 del artículo 12 del Código Orgánico Integral Penal.

#### **DISPOSICIONES GENERALES:**

**PRIMERA.-** Encárguese de la ejecución de este Decreto Ejecutivo al Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores (SNAI).

La gestión de este indulto se realizará de oficio por parte del Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores (SNAI). En consecuencia, no se exigirá a ninguna persona privada de libertad el patrocinio o asesoría de un profesional del derecho.

**SEGUNDA.-** En el marco de la coordinación interinstitucional entre las instituciones del Estado, previstas en el artículo 226 de la Constitución de la República, se exhorta a la Función Judicial a través del órgano administrativo de dicha Función, a que se provea todos los recursos y medios necesarios para que las autoridades judiciales puedan dar diligente cumplimiento a lo dispuesto en este Decreto Ejecutivo.

Así también, se exhorta a la Defensoría Pública a efecto de que, en el ámbito de sus competencias, provea asesoría y/o patrocinio a la persona privada de libertad receptora de este indulto que voluntariamente lo requiera.

#### **DISPOSICIÓN FINAL:**

El presente Decreto Ejecutivo entrará en vigencia a partir de la fecha de su suscripción, sin perjuicio de su publicación en el Registro Oficial.

Dado en el Palacio Nacional, Distrito Metropolitano de Quito, el 21 de febrero de 2022.



Guillermo Lasso Mendoza  
**PRESIDENTE CONSTITUCIONAL DE LA REPÚBLICA**



Quito, March 8, 2022, I certify that the foregoing is a true copy of the original.

**Electronically signed document**

Dr. Fabián Teodoro Pozo Neira  
GENERAL LEGAL SECRETARY  
OF THE PRESIDENCY OF THE REPUBLIC OF ECUADOR



Mr. Hugo Del Pozo Barrezueta  
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*"At the service of the country since July 1, 1895"*

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