



Ministerio
de Relaciones Exteriores
y Movilidad Humana



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ORGANIC LAW ON HUMAN MOBILITY

Supplement Official Registry 938 dated Feb 06-
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ORGANIC LAW ON HUMAN MOBILITY
PRESIDENCY OF THE REPUBLIC OF ECUADOR

Official Letter No. T.7166-SGJ-17-0100

Quito, January 31, 2017

Engineer Hugo del Pozo Barrezueta
DIRECTOR OF VITAL RECORDS

Dear Sir:

Dr. Rosana Alvarado Carrión, First Vice President of the National Assembly, through Official Letter No. VP1-E211-17 dated January 9, 2017, remitted the Organic Law on Human Mobility to the Constitutional President of the Republic.

The President of the Republic approved such Law on January 28, 2017 and, in accordance with article 137 of the National Constitution and Art. 63 of the Legislative Function Organic Law, I hereby forward it to you in one original and one certified copy, together with the debate certificate, for its corresponding publication in the Officially Registry.

Furthermore, I request that once such publication is made, you please send the original to the National Assembly for the corresponding purposes.

Truly Yours,

/s/ Dr. Alexis Mera Giler, GENERAL LEGAL SECRETARY.

REPUBLIC OF ECUADOR
NATIONAL ASSEMBLY

CERTIFICATION

In my capacity of General Secretary of the National Assembly, I CERTIFY that the National Assembly debated and approved the “DRAFT ORGANIC LAW ON HUMAN MOBILITY”, in a first debate on November 22, 2016, and a second debate on January 4 & 5, 2017.

Quito, Monday, January 9, 2017

/s/ DR. LIBIA RIVAS ORDOÑEZ, General Secretary.

REPUBLIC OF ECUADOR
THE NATIONAL ASSEMBLY
THE PLENARY

WHEREAS Ecuador is a constitutional State of rights and justice, and that the Constitution is the highest law and prevails over any other law in the legal system;

WHEREAS the rules and acts of public power shall be consistent with the constitutional provisions;

WHEREAS article 9 of the Constitution of the Republic acknowledges and guarantees that foreign nationals shall have the same rights and duties as Ecuadorian nationals, pursuant to the Constitution;

WHEREAS article 11, second paragraph 2) of the National Constitution provides that all people are equal and shall enjoy the same rights, duties, and opportunities, and that no person shall be discriminated because of their migratory status;

WHEREAS article 40 of the National Constitution acknowledges the people's right to migrate and stipulates that no human being shall be identified or deemed illegal because of his/her migratory status;

WHEREAS article 41 of the national Constitution acknowledges the right to asylum and refuge in accordance with the law and international instruments on human rights;

WHEREAS article 66 14), paragraphs 2 & 3 of the national Constitution acknowledges and guarantees the people's right to move freely throughout the national territory, to choose their residency, and to enter and exit freely from the country, as ruled according to the law. Guarantees (sic) the non-refoulement of people to such countries where their life or that of their relatives were in risk; and prohibits the expulsion of groups of foreign nationals. Migration processes shall be individual.

WHEREAS article 154 1) of the National Constitution stipulates that the State secretaries, besides the powers established in the law, are in charge of ruling the public policies in their areas and issuing the corresponding administrative agreements and resolutions;

WHEREAS article 227 of the National Constitution provides that public administration is a collective service ruled by principles of efficacy, efficiency, quality, hierarchy, deconcentration, decentralization, coordination, participation, planning, transparency, and assessment;

WHEREAS article 392 of the National Constitution declares that the State shall ensure the people's rights on human mobility and shall rule the migration policy through the competent body in coordination with the different Government levels. The State shall design, adopt, execute, and evaluate policies, plans, programs, and projects, and shall coordinate the actions of its entities with that of other states and civil society organizations that work on human mobility in the country or abroad;

WHEREAS article 417 of the National Constitution provides that international treaties ratified by Ecuador shall be subject to the Constitution and, in case of treaties or other

Convention on Consular Relations, the Convention Relating to the Status of Refugees and its Protocol, the Statute of Stateless Persons, the Convention on the Reduction of Statelessness, International convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention on the Elimination of All Forms of Discrimination Against Women, Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Belem do Pará Convention,” Convention on the Rights of Children, Palermo Protocols to Prevent Trafficking in Persons and Smuggling of Migrants, Convention Against Torture, Cruel, Inhumane, and Degrading Treatment, and other international instruments executed by Ecuador.

WHEREAS to facilitate the access of foreign nationals to a regular situation, migratory categories must be reduced, the principle of family reunification must be given priority, and the procedures to obtain a visa based on the principles of equality, celerity, territorial deconcentration, quality and kind services, and procedure simplification must be established;

WHEREAS refugees, asylees, or stateless persons need a special traveling document;

WHEREAS legislation is required to integrally develop the constitutional precepts on the rights and obligations related to the acknowledgment, care, and protection to people in human mobility;

WHEREAS actions aimed to improve the political, economic, social, and cultural conditions of people in human mobility in societies of their origin and destination are an essential contribution to the peoples’ development;

WHEREAS an integral law on human mobility is necessary to consider the supremacy of persons as subjects of rights, good living, and human safety;

WHEREAS article 133 2) of the Constitution provides that organic laws shall rule the exercise of constitutional rights and guarantees;

WHEREAS the National Assembly, in accordance with article 84 of the Constitution, is obliged to adapt, formally and materially, the laws and other legal rules to the rights set forth in the Constitution and international instruments; and

In exercise of constitutional and legal powers, hereby issues this

ORGANIC LAW ON HUMAN MOBILITY

PRELIMINARY TITLE

Chapter I

Purpose, principles, definitions, and goals

Art. 1. Purpose and scope. The purpose of this Law is to regulate the exercise of rights, obligations, institutionality, and mechanisms linked to people in human mobility, which includes emigrants, immigrants, people in transit, Ecuadorian returnees, people in need of international protection, victims of human trafficking, and smuggling of migrants, and their relatives.

For the case of people in human mobility and smuggling of migrants, the purpose of this Law is to establish a framework on prevention, protection, care, and reintegration, to be developed by the State through the different public policies in accordance with the legislation.

Article 2. Principles. The following are the principles of this Law:

Universal citizenship. The acknowledgment of human being's power to mobilize freely around the planet means the existence of their human rights regardless of their migratory status, nationality, and place of origin, which will lead to progressively end their status as a foreign nationals.

Free human mobility. The legal and political acknowledgment of the exercise of universal citizenship means the State's protecting the mobilization of any person, family, or human group that intends to circulate and remain in the place of destination on a temporary or definitive basis.

Prohibition to criminalize. No person shall be subject to criminal penalties because of a condition of human mobility. All migratory infringements shall of administrative nature.

Protection to Ecuadorian nationals abroad. The Ecuadorian State shall promote actions aimed to guarantee all Ecuadorian nationals abroad the effective acknowledgment and respect to human rights, regardless of their migratory status. The Ecuadorian State shall ensure human rights observance and acknowledgment to the Ecuadorian community abroad through diplomatic actions before other states.

Equality before the law and non-discrimination. All people in human mobility who are in Ecuadorian territory enjoy the rights acknowledged in the Constitution, international instruments ratified by Ecuador and the law. No person shall be discriminated because of their migratory status, national origin, sex, gender, sexual orientation, or other social, economic, or cultural condition.

The State shall endeavor to eliminate unnecessary differentiations because of the people's nationality or migratory status, particularly those established in national or local public rules or policies.

Ecuador shall strive for Ecuadorian nationals abroad to receive the same treatment as the receiving State's nationals.

Pro-homine in human mobility. The rules of this Law shall be developed and interpreted in the most favorable sense to people in human mobility to keep requirements or procedures from hindering or blocking the exercise of their rights and to assure compliance with their obligations with the Ecuadorian State.

Best interest of children and adolescents. In view of the best interests of children and adolescents, in all processes and procedures linked to human mobility, the rules contained herein shall be considered, such as the principle of children's and adolescents' specialization, the right to have a family, family cohabitation, and to be consulted on matters that affect them.

Their detention due to administrative migration infringements shall not be ordered under any condition. When children's or adolescents' best interest requires keeping the family together, the mandate of non-deprivation of liberty shall be extended to the parents, regardless of alternative measures that may be issued for migration control.

Non-refoulement. No person shall be returned or expelled to another country, whether that of their origin or others, when their rights of life, freedom, or integrity, or those of their relatives, risk to be violated by reason of belonging to an ethnic group, religion, nationality, ideology, gender, sexual orientation, membership to a particular social group, political opinions, or in case there are justified reasons to believe they are at risk to be subject to serious human rights violations in accordance with this Law and international human rights instruments.

The country's deportation processes or any other process that may affect the migratory nature are individualized. The expulsion of groups of foreign nationals is prohibited.

Regional integration. The Ecuadorian State shall carry out bilateral and multilateral cooperation actions to reach legal, political, social, and cultural unity in the South American, Latin American, and Caribbean region, and to develop wellbeing among the peoples and strengthen the South American identity as part of the construction of a regional citizenship.

Article 3. Definitions. To the ends of this Law:

1. Migratory Condition shall be understood as the status of resident or temporary visitor granted by the Ecuadorian State for foreign nationals to transit or reside in this territory through a permit to stay in the country.
2. Migratory category: The different types of temporary or permanent stay granted by the State to foreign nationals in Ecuador according to the fact that justifies their presence in the country.
3. Forced displacement: Facts or events that compel a person or group of persons to abandon their country of residence as a result of an armed conflict, situations of generalized violence or human rights violation pursuant to international instruments.
4. Emigrant: Any Ecuadorian national who moves to another State to establish their domicile or residence on a temporary or permanent basis. Exception is made to all persons who leave Ecuador as a temporary visitor of another State.
5. Transnational family: A family whose members are settled in two or more countries, one of which is Ecuador, and keep affectionate, economic, social, and cultural links therewith.

In order to exercise the right to family reunification, the scope shall include the second degree of consanguinity or affinity.

6. Immigrant: Any foreign national who enters Ecuador to reside or establish his/her domicile or residence on a temporary or permanent basis on Ecuadorian territory.
7. Person in human mobility: Any person who mobilizes from one State to another with the aim to reside or establish on a temporary or permanent basis.
8. Human Mobility: Migratory movements made by any person, family, or human group to stay in transit or establish on a temporary or permanent basis in a State other than their State of origin or where they resided previously, which generates rights and obligations.

9. Ecuadorian National: Such person with a legal and political link to the Ecuadorian State, by birth or naturalization, in accordance with the Constitution and the law.
10. Foreign national: Such person who is not a national from the Ecuadorian State.
11. Family reunification: The mechanism whereby a family that is spread in different states, gathers together in a same family nucleus inside a given territory.
12. Visa: The authorization that the Ecuadorian State grants to foreign nationals to stay in the country for a temporary period or permanently.
13. Travel documents: Generic term that includes all documents accepted as a person's proof of identity when entering a country other than his/hers.

Article 4. Objective. The following are the objectives for this law:

1. Develop and regulate the exercise of rights and obligations of the people in human mobility;
2. Regulate the entry, stay, exit, and repatriation of people in human mobility from or to Ecuadorian territory;
3. Establish the requirements to obtain a temporary or permanent migratory status and the naturalization of foreign nationals;
4. Determine human mobility competences for the institutions of the central government and autonomous decentralized provincial and municipal governments;
5. Regulate the mechanisms to apply for and obtain international protection from the Ecuadorian State, as well as to determine the cessation, revocation, or cancellation thereof;
6. Regulate the recognition of stateless people and establish the mechanisms required for the progressive eradication of such condition;
7. Establish the State institutions' competences and the mechanisms to guarantee the prevention, care, protection, and reincorporation of victims of human trafficking and smuggling of migrants;
8. Establish guidelines on the public policies to be developed by the State to achieve the planned repatriation of Ecuadorian nationals from abroad;
9. Rule on the exercise of rights and obligations of Ecuadorian people who come back; and
10. Rule on the travel documents, typology, use, and effectiveness.

TITLE I **PERSONS IN HUMAN MOBILITY**

Chapter I Ecuadorian Nationals Abroad

Section I **Rights**

Art. 5. The right to have access to plans, programs, and projects abroad. Ecuadorian nationals abroad shall have equal opportunities to participate in and have access to the plans, programs, and projects of the different government levels and State functions.

Art. 6. The right to send and receive remittances. Ecuadorian nationals abroad and their relatives are entitled to transfer their licit income and savings to Ecuadorian territory for their livelihood, entrepreneurship, family development, or other activities.

The State shall create the necessary mechanisms to facilitate the remittance and reception of remittances, as well as incentives for developing productive projects.

Art. 7. The right to confidentiality. Ecuadorian nationals abroad are entitled to confidentiality of their personal data regardless of their migratory status.

The State shall guarantee the protection of the data filed in the archives of its diplomatic missions or consular offices, and shall not submit it to private or public institutions without the authorization from the holder of the information, or legal a provision from the competent authority in the cases of international criminal cooperation, based on international instruments ratified by the Ecuadorian State or Ecuadorian law mandate.

The right to confidentiality shall not be deemed infringed when non-personal information abroad is delivered to other Ecuadorian State institutions in order to guarantee the exercise of a right or to protect a higher interest.

Art. 8. The right to consular protection. For the adequate exercise of their rights and obligations, Ecuadorian nationals abroad shall receive protection and assistance from Ecuadorian diplomatic missions or consular offices, regardless of their migratory status.

Ecuadorian nationals abroad may register in the Single Register of Ecuadorians Abroad online or personally at the Ecuadorian diplomatic missions or consular offices. This record is not a condition to access the rights set forth in this Law.

Art. 9. The right to information. Ecuadorian nationals abroad shall be informed of their rights according to their mobility status and the requirements and procedures necessary to exercise them.

Art. 10. The right to Ecuadorian cultural identity. Ecuadorian nationals abroad, abiding by the condition of multi-national and intercultural State, are entitled to keep and transmit their cultural identity. The Ecuadorian State shall promote actions aimed to encourage the exercise of this right and strengthen Ecuadorian citizenship abroad.

Art. 11. The right to health. Ecuadorian nationals abroad are entitled to the Ecuadorian State's promoting actions aimed to encourage the exercise of the right to health.

The Ecuadorian State shall promote policies to protect Ecuadorian nationals abroad in case of disease, accidents, or death, facilitated through public social security in accordance with its law and regulation, private security systems, or through executed international instruments.

Art. 12. The right to access to justice. Ecuadorian nationals abroad are entitled to the Ecuadorian State's assuring compliance with due process guarantees under equal conditions with the nationals of the receiving State. In exceptional cases, when the human rights of an Ecuadorian national or group of Ecuadorian nationals who lack financial resources are infringed, the State may provide legal assistance and accompanying during the process.

Art. 13. Rights to political participation. Ecuadorian nationals abroad are entitled to

democratic participation, political organization in the different electoral processes, non-compulsory voting to elect the President and Vice President of the Republic, the members of the National Assembly and Assembly members abroad, and to be elected in accordance with the law. They may register or update their electoral address at diplomatic missions or consular offices, in the form and within the terms established by the electoral authority, and the latter will simplify the electoral registration and voting processes abroad.

Art. 14. Right to request the location of lost or isolated Ecuadorian relatives abroad. The relatives of lost or isolated Ecuadorian nationals are entitled to the State's necessary actions, through its diplomatic missions or consular offices, in coordination with the transit or destination country's authorities, to locate disappeared, lost, or isolated nationals.

In the event the disappeared, lost, or isolated national were located and were in a vulnerable situation, the State shall provide adequate protection pursuant to this Law.

The Ecuadorian State, through the migratory control ruling authority, in coordination with the Prosecutor's Office, shall take the necessary actions to create a databank to identify disappeared, lost, or isolated Ecuadorian nationals abroad and their relatives who request their location. Priority shall be given to the international search of lost, isolated, or disappeared children and adolescents. The Ecuadorian State shall promote the execution of international instruments to share databank information.

Art. 15. The right to send goods. In accordance with the corresponding law, the Ecuadorian State shall guarantee the reduction of duties and establish specialized services for the remittance to Ecuador of packages containing foods for the use of the families of Ecuadorian nationals living abroad.

Art. 16. The right to vital and identity registration services. Ecuadorian nationals abroad are entitled to receive the following vital and identity registration services at the diplomatic missions or consular offices.

1. Record births, marriages, and deaths occurred abroad;
2. Obtain the citizenship card, passport, and renewal thereof.
3. Others provided by the corresponding law and its regulation.

Art. 17. The right to secondary and higher education, and access to scholarships abroad. Ecuadorian nationals abroad may access secondary and higher education in accordance with the policies implemented by the corresponding education authority. The competent entity shall facilitate access to remote and virtual education programs. In the process of granting scholarships for higher studies in the country and abroad, the participation of Ecuadorian nationals abroad shall be guaranteed pursuant to the corresponding law and its regulations.

Art. 18. Right to association. Ecuadorian nationals residing abroad are entitled to be part of social groups and file for their registration in Ecuadorian territory or abroad through the diplomatic missions. The State shall promote and support the association of Ecuadorian nationals abroad.

The Registry of Ecuadorian Organizations Abroad is hereby created in order to record

emigrant organizations, associations, civic committees, non-profit organizations, and all others related to organized social participation of Ecuadorian nationals abroad. This Registry shall be performed in the diplomatic missions and does not include the creation of the legal entity in Ecuador, which must abide by the legislation in force in the national territory. This Registry shall be public for Ecuadorian nationals abroad.

Art. 19. The right to access the National Public Data Registration System. Ecuadorian nationals abroad may access the National Public Data Registration System online to consult personal identification data and request certifications according to this Law's regulation.

Art. 20. The right to social security. Ecuadorian nationals abroad shall have access to voluntary affiliation with the Ecuadorian social security system and collect their benefits regardless of their place of residence, for which the social security authority shall develop mechanisms to have access to this right. The State shall promote the execution of international instruments that allow holding social security rights.

Ecuadorian nationals abroad affiliated to social security shall have access to the benefits set forth in the corresponding law and resolutions of the Ecuadorian Social Security Institute's governing board.

Art. 21. Vulnerability identification. Ecuadorian nationals abroad in transit or in the country of destination who are in vulnerable situations shall receive priority care in accordance with such Law's regulation. The mobility authority shall declare this situation in Ecuador or through the diplomatic missions or consular offices abroad, when at least one of the following conditions occurs:

1. A person is in irregular status in the country of destination and lacks resources to return to Ecuador;
2. A person is defenseless in a new threat, risk, or aggression against his/her life or personal integrity;
3. The person is an unaccompanied child or adolescent or separated from his/her parents or tutor;
4. The person is an elder individual, a pregnant woman, disabled, suffers from a catastrophic disease or highly complex disease, and is in serious risk because of his/her lack of tutors, guardians, relatives, or sufficient financial resources.
5. The person is a victim of intra-family or gender violence;
6. The person is a victim of duly proved discrimination or xenophobia.
7. The person is in confinement and lacks enough financial resources to exercise the right to defense;
8. The person is in underprivileged or extremely poor conditions;
9. The person is a migrant worker under labor exploitation due to violation of the rights set forth in international instruments and has not received adequate guarantees from the labor authorities of the country of residence;
10. The person is a victim of human trafficking or smuggling of migrants;
11. The person is affected by the migratory or social policies of the country of transit or destination that infringe his/her rights and is defenseless; and
12. The person's life, freedom, or personal integrity is threatened by natural catastrophes, international or internal conflicts, or other factors that threaten these rights.

Art. 22. Obligations of Ecuadorian nationals abroad. The following are obligations of Ecuadorian nationals abroad:

1. Register their entry and exit through the official migratory control points; and
2. When returning to the country, submit the passport or identity document to the migratory control authority.

Section III Consular Services

Art. 23. Consular service. In human mobility matters, the following are the main functions of Ecuadorian consular offices abroad:

1. Protect, within their constituency, the rights and interests of the State and Ecuadorian nationals, whether natural or juridical persons, in accordance with the provisions of the Constitution, international instruments, this Law and its enforcement law;
2. Provide aid and assistance to Ecuadorian nationals abroad.
3. Qualify and coordinate assistance in case of vulnerability, natural disasters, armed conflicts, or other exceptional circumstances.
4. Provide protection to Ecuadorian nationals abroad and their relatives.
5. Look after the interests of Ecuadorian nationals abroad, children and adolescents and individuals without representation capacity, in particular, in cases of vulnerability, the absence of parents or tutors for Ecuadorian children and adolescents.
6. Accompany Ecuadorian nationals abroad to the courts and other authorities of the receiving State, look after the access to due process or take the most convenient measures to prevent and avoid defenselessness of Ecuadorian nationals abroad in cases of vulnerability.
7. Communicate, at the party's request, the legal decisions or procedures pursuant to current international agreements;
8. Provide consular services and other public services granted by delegation and set forth in international instruments.
9. Inform Ecuador's social, economic, and political situation and all relevant events and of interest for the Ecuadorian community abroad, by using more agile mechanisms for their dissemination, such as information and communication technology;
10. Keep and support bilateral relations between Ecuador and the territory of its constituency, in coordination with the diplomatic mission it depends on according to the international cooperation agenda established by the ruling entity.
11. Provide assistance according to its competences to Ecuadorian flag ships, aircraft, and vessels, as well as to their crews.
12. Comply and assure compliance with human mobility and consular cooperation instruments executed by Ecuador to watch over the wellbeing of Ecuadorian nationals protected by such international instruments.
13. Keep updated and promote through agile, presence-based or virtual mechanisms the registration of the Ecuadorian migrant community and the registration of organizations abroad;
14. Promote the access, promotion, production, circulation, and fostering of creativity, the arts, innovation, social memory, and cultural heritage abroad, in accordance with the cultural policies issued by the corresponding ruling authority; and
15. All other functions established by international instruments, current laws, decisions made by the Executive Function and those granted by delegation.

Art. 24. Special powers for assistance and protection. In human mobility matters, Ecuadorian consular offices abroad shall have the following powers:

1. Provide efficient and timely consular services to assure access to Ecuadorian nationals abroad, in particular in zones with larger population concentration or where risk situations are known;
2. Assure that Ecuadorian nationals abroad are treated with respect and dignity, and have information to exercise their rights, regardless of their migratory status;
3. Facilitate and guarantee the provision and access to delegated services established within the framework of inter-institutional coordination between the human mobility authority and State institutions or functions;
4. Coordinate with the State functions activities that promote the exercise of political and citizen participation rights;
5. Coordinate actions with institutions of the economic and productive areas to promote investment in entrepreneur and family savings processes;
6. Provide timely, immediate, and effective assistance to Ecuadorian nationals deprived of liberty. Make periodic visits to liberty deprivation centers, in particular, to those destined for migrants in irregular status and prepare reports for the competent authorities regarding the arrest, physical, and psychological conditions, and assure the enforcement of due process;
7. Ensure Ecuadorian nationals' right to legitimate defense and due representation before the legal instances; follow up and keep authorities informed thereof;
8. Ensure that the right to dignity, integrity, and due process is observed for Ecuadorian nationals subjected to deportation, eviction, or other circumstances of forced repatriation, report the actions to the competent authorities and ensure the person is adequately accompanied at his/her arrival to Ecuador.
9. Coordinate attention and protection to the victims of human trafficking or smuggling of migrants with the competent national and foreign institutions in the country where the victims may be;
10. Submit complaints, reports, or activate the legal mechanisms stipulated in the legislations of the transit or destination countries to protect or prevent human rights violations against Ecuadorian nationals in human mobility;
11. Provide clear and accessible information on the rights, obligations, policies, programs, plans, projects, and services created for people abroad, both in transit and in destination, and repatriated Ecuadorian nationals;
12. Disseminate initiatives and programs for a planned repatriation to Ecuador, as well as programs and projects coordinated by the Executive Function and decentralized autonomous governments;
13. Coordinate with human rights institutions of Ecuadorian nationals' transit and destination countries the filing of constitutional and legal actions against serious threats to or violation of rights;
14. Prepare reports on the social-economic situation and the vulnerable status of Ecuadorian nationals abroad; these reports shall contain recommendations to Ecuadorian institutions aimed to improve service provision and policy design for the Ecuadorian community abroad and coming back;
15. Carry out actions against discrimination, xenophobia, and any form of violence against the Ecuadorian community abroad; and
16. Accompany people under custody who may need it, and the responsibility of hospitals or health centers, special institutions for children, adolescents, and the elder in human mobility; shelters or detention centers for migrants; and any other similar institution devoted to restricting people's mobility.

Chapter II

Repatriated Ecuadorian Nationals

Section I

Definition & Types

Art. 25. Repatriated Person. Any Ecuadorian person who was established abroad and returns to the national territory for good. One of the following must be met to be eligible for the benefits of this Law:

1. Having stayed more than two years abroad and returned on a voluntary or forced basis.
2. Being in vulnerable conditions qualified by the human mobility authority or Ecuadorian diplomatic missions or consular offices according to this Law and its regulation.

Exception is made for Ecuadorian nationals providing services in such Ecuadorian diplomatic missions or consular offices and international organizations, who shall be subject to the provisions of the specific laws.

Art. 26. Types of repatriation. The following are the types of repatriation according to the conditions thereof:

Voluntary repatriation: A person who comes back to the country on a free and voluntary basis to establish in Ecuador.

Forced repatriation: A person who must return to Ecuador by requirement of the country's competent authority due to a situation of force majeure or act of God that endangers his/her life, physical or psychological integrity or due to a situation of abandonment or death of relatives on whom they depended abroad.

Section II

Rights

Art. 27. The right to social and economic inclusion. Repatriated Ecuadorian Nationals are entitled to social and economic inclusion in the country. To this end, the State shall apply affirmative action measures according to their belonging to a group of priority care in accordance with this Law and its regulation.

Art. 28. The right to study homologation, validation, and recognition abroad. Repatriated Ecuadorian Nationals are entitled to having their studies abroad at all levels homologated, validated, and recognized in accordance with the current regulations and international instruments ratified by Ecuador. The ruling authority in the field of education shall establish the procedures required to such end.

Art. 29. The right to educational integration. Repatriated Ecuadorian Nationals are entitled to be re-integrated in the education system at any level. The competent educational authority shall guarantee access, leveling, and integration of students according to the current regulations.

Art. 30. The right to be informed on the repatriation. Ecuadorian nationals abroad are

entitled to be informed, through diplomatic missions or consular offices, on the public policies regarding their repatriation and mechanisms for their enforcement.

Art. 31. The right to driving document homologation. Repatriated Ecuadorian Nationals are entitled to the State's acknowledging and homologating, through the national transit and land transportation authority, professional and non-professional driving licenses issued by another State, in accordance with the corresponding law and current international instruments.

Art. 32. The right to training. Repatriated Ecuadorian Nationals, in order to facilitate their re-insertion in the labor market or to develop self-employment initiatives, shall be entitled to the Ecuadorian State's providing priority work training services or entrepreneur training.

Art. 33. Right to homologation and certification of work competences. Repatriated Ecuadorian Nationals are entitled to the State's acknowledging, evaluating, certifying, or homologating professional knowledge and record through higher education institutions credited in the country. Homologation shall take place at third level or grade technical, technological levels or equivalent.

Public institutions for artisan or non-professional training shall homologate and certify training, professional record, and knowledge acquired by the Ecuadorian national.

Art. 34. The right to access the financial system. Repatriated Ecuadorian Nationals are entitled to access the national financial system, its services and benefits for which the national financial system's guiding entity shall issue the corresponding guidelines.

Public financial institutions, to grant credits, shall not demand credit records from repatriated nationals, and shall give priority to entrepreneur and association projects. In the case dependence relations or monthly income were not justified, payment of the

debt shall be guaranteed with the entrepreneurship's property or real estate or through the loan guarantee system set forth in the corresponding law.

Art. 35. The right to access to retirement pensions. Repatriated Ecuadorian Nationals are entitled to the State's developing mechanisms for inclusion and facilities to access the social security system. The State shall promote the execution of international instruments for the delivery of affiliate contributions and retirement payments at their place of residence.

Art. 36. The right to duty exemption or reduction for household goods, work equipment, and vehicles. All foreign trade taxes are exempted, excepting custom duties, and household goods imports of Ecuadorian nationals who decide to return and establish in Ecuador.

Household goods also include one automotive vehicle or motorcycle, provided the year of the model pertains to the last five years and the price does not exceed sixty basic wages in case of the vehicle and twenty-one basic wages in case of the motorcycle. The value corresponding to the year when the vehicle was launched to the market will be considered to determine the price. The period included between the year of the model and the shipping year shall be used to calculate the vehicle's age.

If the price of the imported vehicle exceeds the maximum price established by this Law in up to five minimum wages, it can be nationalized upon payment of the corresponding taxes for the difference.

Vehicles or motorcycles shall not be subject to alienation or any other legal act that implies transferring the property, possession or tenancy to third parties. The use of the vehicle or motorcycle shall abide by the provisions of the corresponding regulation. Four years after the date when such goods were nationalized they may be alienated or any legal act may be performed to transfer their property.

Ecuadorian nationals who left the country for study purposes are exempt from the benefit of importing the vehicle.

Repatriated Ecuadorian Nationals are entitled to the exemption or reduction of duties to import their work equipment in accordance with this Law.

This Law's regulation shall provide the additional conditions and requisites to have access to these benefits.

In case of non-compliance the repatriated national shall be penalized pursuant to the law.

Art. 37. The right to access entrepreneurship programs. Repatriated Ecuadorian Nationals shall be entitled to priority access entrepreneurship programs promoted by institutions of the central and local decentralized governments within their competences.

Section III Procedures

Art. 38. Rules for repatriated Ecuadorians' recognition. Human Mobility authorities shall issue the repatriated status certificate in accordance with the procedures established by this Law and its regulation.

Art. 39. Exceptional cases for repatriating Ecuadorian nationals in vulnerable conditions. Repatriation is the return to Ecuador under total or partial custody by the Ecuadorian State. This procedure shall apply to:

1. Individuals deprived of liberty with executed sentences in accordance with international instruments executed by Ecuador;
2. Unaccompanied children and adolescents or those in vulnerable conditions;
3. Victims of human trafficking or smuggling of migrants; smuggling of migrants;
4. Individuals whose case has been qualified as exceptional by the highest human mobility authority;
5. Individuals who are undergoing catastrophic or terminal diseases; and
6. Individuals affected by serious natural catastrophes.

Art. 40. Repatriation of mortal remains Repatriation of mortal remains shall apply when the Ecuadorian national died abroad and his/her relatives are in vulnerable economic conditions. It shall take place at the express request of the relatives and upon prior qualification of the vulnerability in accordance with this Law, its regulation, and the internal normative of the repatriated national's country.

Art. 41. Duration of benefits for repatriated nationals. The benefits that the State has or created for Repatriated Ecuadorian Nationals shall be granted once every fifteen years. Repatriated Ecuadorian Nationals may request rights up to twenty-four months after their return to national territory.

Chapter III

Foreign nationals in Ecuador

Section I

Definition, rights, and obligations

Art. 42. Foreign national in Ecuador. A foreign national in Ecuador is a person who is not a national from the Ecuadorian State and is in the territory with a migratory status, as a temporary visitor or resident.

Art. 43. The right to free responsible mobility and safe migration. Foreign nationals in Ecuador shall be entitled to migrate under observance of their rights and personal integrity, in accordance with the country's internal regulations and international instruments ratified by Ecuador. The State shall take all necessary actions to promote the principle of universal citizenship and free human mobility in a responsible fashion.

Art. 44. The right to request a new migratory status. Foreign nationals shall be entitled to request a migratory status in accordance with this Law and its regulation. After the migratory status is granted, the identity card shall be granted to such foreign national.

Art. 45. The right to migratory information. Foreign nationals shall be entitled to be informed of the requisites and procedures required for their mobility and to obtain the migratory status upon their entry to Ecuador and during their stay.

Art. 46. The right to participation and social organization. Foreign nationals shall be entitled to creating social organizations to exercise their rights and carry out activities that enable their integration and participation in society according to the current regulations.

Art. 47. Access to justice in equal conditions. Foreign nationals, regardless of their migratory status, shall be entitled to have access to justice and due process guarantees for the custody of their rights, in accordance with the Constitution, the law, and current international instruments.

Art. 48. Children's and adolescents right to integration. Foreign children and adolescents or the children of foreign nationals who reside in Ecuador shall be entitled to the State's public and private institutions', within the scope of their competences and capacities, assuring the adequate knowledge of Ecuadorian culture, traditions, and history in order to guarantee their integration to the Ecuadorian society and reciprocal understanding.

Art. 49. The right to political participation. Foreign nationals who reside in Ecuador shall be entitled to vote and to be elected for public positions, provided they have resided legally in the country at least five years, as provided in the current Constitution and the law.

Temporary visitors in Ecuador shall not participate in matters of internal politics of Ecuador.

Art. 50. The right to title registration. Foreign nationals who reside in Ecuador shall be entitled to homologation and acknowledgment of their studies performed abroad at all levels, in accordance with the law and international instruments ratified by the Ecuadorian State.

The competent authority shall establish the homologation and acknowledgment procedures in the same conditions as for Ecuadorian nationals.

Art. 51. The right to work and social security. Foreign nationals residing in Ecuador are entitled to work and access to social security for which their contributions shall be calculated upon the real income declared for their residence.

When residents work under dependent relations their contributions shall be calculated upon their wage.

Art. 52. The right to health. Foreign nationals residing in Ecuador are entitled to access to health systems in accordance with the law and international instruments ratified by the Ecuadorian State.

Public or private institutions that provide health services may not, in any case, refuse to provide emergency care because of the person's nationality or migratory status.

The Ecuadorian State shall promote policies to protect foreign nationals in Ecuador in case of disease, accidents or death, for which the resident shall have a public or private insurance to consolidate this benefit.

Art. 53. Obligations of foreign nationals. The following are obligations of foreign nationals in Ecuador:

1. Register the entry and exit at the official migration control points;
2. Stay in Ecuador under a regular migratory status;
3. Observe the laws, cultures, and nature;
4. Carry their identity or travel documents during their stay in Ecuador;
5. Comply with labor, tax, and social security obligations in accordance with the current legal regulations;
6. Residents shall register their regular home address with the General Bureau of Vital Records. Tourists in Ecuador may voluntarily report their place of stay and access the communication system established to this end by the tourism ruling authority;
7. Have public or private health insurance for the time of their stay in Ecuador, except for the case of people in need of international protection; and
8. All others set forth in the law.

Section II **Temporary visits**

Art. 54. Migratory categories for temporary visitors in Ecuador. The following are migratory categories for temporary visitors:

1. Persons in transit;

2. Tourists; and
3. International protection applicants.

Art. 55. Transit foreign nationals. Any foreign national who passes by Ecuadorian territory in transit, a member of international transportation crews, or persons residing on the border zones according to international instruments, and others provided by the regulation of this Law.

The maximum stay for transit foreign nationals in Ecuador shall be established in the regulation to this Law on a case-by-case basis.

The human mobility authority shall determine exceptional cases to exempt the corresponding visa rate.

Art. 56. Tourist .Tourists are all individuals who arrive to Ecuador with the aim to carry out tourism activities and are banned from working.

The stay term for tourists shall be up to ninety days in a period of one year starting from their first entry, extensible once for up to ninety additional days, upon prior application and payment of the corresponding rate.

If tourists wish to extend their stay for a maximum term of one year in the same capacity, they shall apply for a special tourism visa before the highest human mobility authority and shall refrain from working. For this visa tourists must credit licit livelihood means that enable their stay in the country, and pay the corresponding rate established in the regulation to this Law. This type of visa may be requested once every five year.

For tourists from the member states of the Union of South American Nations (UNASUR), the stay shall be up to 180 days in a one-year period starting from their first entry. In case of specific international agreements, the provisions of such instruments shall be observed.

All persons entering the country as tourists must have public or public insurance for the time of their stay in Ecuador, excepting individuals mobilizing in the border integration zones, as provided in international instruments ratified by Ecuador.

Art. 57. International protection applicants. International protection applicants are foreign nationals who request their recognition as asylees, refugees, or stateless individuals from the Ecuadorian State.

International protection applicants shall be granted with humanitarian visas until the international protection status is formally recognized.

Section III

Persons subject to protection based on humanitarian reasons

Art. 58. Persons protected for humanitarian reasons. Foreign nationals who do not meet the requirements established in this Law to access a migratory status, and prove exceptional humanitarian reasons as victim of natural or environmental disasters. Such individuals may have access to humanitarian visas for a term of up to two years in accordance with the regulation to this Law, provided they are not deemed a threat or risk to internal security, according to the information of the Ecuadorian State.

After this time, if the reasons for requesting the humanitarian visa persist, the latter may be extended until the reasons that gave place to granting the visa cease, regardless of their access to any other migratory status at any time and upon prior compliance with the requisites provided in this law.

Section IV Residents

Art. 59. Resident. All foreign nationals who have acquired a migratory category for their temporary or permanent residence in Ecuador.

Art. 60. Temporary residence. Temporary residence is the migratory status that authorizes a two-year stay in Ecuadorian territory, subject to a single renewal, to which foreign nationals who enter the country under the following categories have access:

1. Workers: Persons authorized to carry out a compensated activity under dependent relations in the public, private sectors or independently.
2. Rentiers: Persons who have their own resources brought from abroad, from the income it may produce, or any other licit income from an external source, or who has resources from an Ecuadorian source;
3. Retirees: Persons who receive a pension from abroad in amounts that enable them to cover the expenditures of their stay;
4. Investors: Persons who have licit goods and economic resources to carry out productive or commercial activities;
5. Scientist, researcher, or academician: Persons devoted to scientific, research, or academic activities hired by public or private entities, or who are part of programs of the Ecuadorian education system to carry out works in their specialty. The permit to stay may be renewed according to the duration of the corresponding academic program;
6. Athletes, artists, cultural performers: Persons contracted by natural or juridical persons to develop these activities;
7. Religious or volunteer religious persons from a legal organization recognized by Ecuador, who develops official activities related to their religion;
8. Volunteer: persons who provide services to a community, individually or with the support of a non-profit organization, on an altruist and voluntary basis, in accordance with the regulation to this Law;
9. Students: persons who enter the country to perform elementary, secondary, undergraduate or postgraduate studies as regular students, in public or private education centers officially recognized in Ecuador, and to carry out pre-professional or professional practice. The permit to stay for students may be renewed according to the duration of the corresponding academic program;
10. Professionals, technicians, technologists, or artisans: persons who enter the country to practice a technical, technological, or artisan profession or activity in accordance with the provisions of the corresponding law;
11. Resident by agreement: Persons who enter the country under a migratory status established by an international instrument subscribed by Ecuador;
12. Persons endorsed by the holder of the migratory category: children and spouse or partner in common law of the holder of a legally recognized migratory category set forth in this article; and
13. Persons under international protection: Persons recognized by Ecuador as asylees,

refugees, or stateless and who fail to comply with the requirements to access to one of the migratory categories established herein may access the migratory category of a person under international protection.

Art. 61. Requirements for the temporary residence. The following are requisites for the temporary residence:

1. Official documentation that credits the applied category;
2. Valid effective passport, travel or identity documents acknowledged through international instruments;
3. Criminal record certificate of the country of origin or of the country where the holder resided in the last five years before arriving to Ecuadorian territory;
4. Not be considered a threat or risk to the internal security according to information available to the Ecuadorian State;
5. Credit licit survival means that allow the livelihood of the applicant and his/her dependent family core;
6. Payment of the rate fixed by the human mobility authority; and
7. Submit the temporary residence application.

Persons under international protection by the Ecuadorian State are excepted from the above requirements set forth herein.

Once the temporary residence is granted, the foreign national shall affiliate to the social security system or a private health system.

If the residence application is denied it shall be grounded.

Art. 62. Exceptional temporary residence. Exceptional temporary residence is the migratory status that authorizes a stay in national territory up to two years, to which foreign nationals have access when entering to the national territory upon prior qualification and authorization by the highest human mobility authority in exceptional cases, in accordance with the requirements set forth in the regulation to this Law. This residence may be renewed only once.

Art. 63. Permanent residence. The migratory status that authorizes indefinite stay in national territory to which the foreign nationals that meet at least one of the following conditions:

1. Have at least twenty-one months as a temporary resident and submit corresponding application prior to the expiration of the held migratory status;
2. Be married to or be in a legally recognized common law-relationship with an Ecuadorian national;
3. A foreign minor or disabled person who depends on an Ecuadorian national or a foreign national with permanent residence; or
4. Be a relative in second degree of consanguinity or affinity of an Ecuadorian national or a foreign national with permanent residence in Ecuador.

Art. 64. Requirements for the permanent residence. The following are requirements for the permanent residence:

1. Credit one of the conditions established in this Law for permanent residence;
2. Valid and effective passport, or travel or identity documents recognized through international instruments;
3. Criminal record certificate of their stay in Ecuador for temporary residents. In other cases the certificate from the State of origin or the state where the individual resided in the last five years shall be submitted. Individuals not criminally imputed are exempt from this obligation;
4. Not be considered a threat or risk to the internal security according to information available to the Ecuadorian State;
5. Credit licit survival means that allow the livelihood of the applicant and his/her dependent family group. In the case of applicants of qualities 2.3 and 4 of the article on permanent residence, the person on who they support their residence application may credit the survival means for their livelihood; and
6. Payment of the rate fixed by the human mobility authority.

The human mobility authority shall verify the veracity and authenticity of the submitted documentation.

The requirements set forth in this article are exempted in the corresponding areas to individuals recognized as subject to international protection by the Ecuadorian State.

Once the permanent residence is granted, the foreign national shall affiliate to the social security system or a private health system.

If the residence application is denied the decision shall be justified.

Art. 65. Continuity of the residence. Temporary residents may leave the country for a maximum period of ninety days per year, accruable within the effective period of their residence. In case of non-compliance, migration control authorities shall impose the penalty set forth on migration infringements in this Law.

Permanent residents may leave the country and come back, but shall not remain abroad more than 180 days per year starting from the date when the migratory status was granted during the first two years. In case of non-compliance, migration control authorities shall impose the penalty set forth on migration faults in this Law. In case of relapse, the individual shall lose the migratory status.

Permanent residents, after the first two years, may leave the country for up to five years. After this term, the holder shall lose the residence.

Section V

Visas

Art. 66. Types of visa. Foreign nationals who wish to enter and stay on Ecuadorian territory shall choose one of the following types of visa:

1. Temporary resident visa: The authorization to stay for a given time in the Ecuadorian State, according to the categories established in the article on temporary residence.
2. Exceptional temporary resident visa: An exceptional authorization to foreign

nationals to remain in the Ecuadorian State, according to the article on exception temporary visa.

3. Permanent resident visa: The authorization to stay for an indefinite time in the Ecuadorian State, according to the categories established in the article on permanent residence.
4. Diplomatic visa: The authorization to exercise official functions to diplomatic, consular, or international agents duly credited before the Ecuadorian State, whether in permanent or temporary missions.
5. Humanitarian visa: The authorization granted by the highest human mobility authority to remain in Ecuador to international protection applicants until their application is resolved or to people under protection for humanitarian reasons for a term of up to two years according to this Law. This visa shall have no cost whatsoever.
6. Tourist visa: The authorization to remain in the Ecuadorian State to people of such nationalities determined by the human mobility authority who wishes to carry out touristic activities for the term established in the article on tourists. Foreign nationals who does not need a tourist visa based on the Ecuadorian State's human mobility policy or by international instruments subscribed by Ecuador, shall be granted with an authorization to stay in the country in the official migration control points, under the same terms established in the article on tourists.
7. Special tourism visa: The authorization to stay in the country for up to one year for people who are in the Ecuadorian territory 180 days as tourists, upon prior procedures established by this Law. This type of visa may be applied for a once every five years.
8. Visa by Agreement: The authorization to nationals from the States with which Ecuador subscribes international instruments to stay in the Ecuadorian territory during the time established in such instrument.

Art. 67. Sovereign State. The Ecuadorian State, through the human mobility authority has the power to grant or deny a visa to a foreign national. The Ecuadorian State has the power to cancel or revoke a visa upon grounds.

The migratory status changes or expires by termination, cancellation, or annulment.

Art. 68. Termination, cancellation, and annulment of a visa. A visa terminates when the time authorized for the foreign national's stay in the country expires.

Its cancellation is an administrative act that takes place when the fact that generated the visa is extinguished and enables applying for a new migratory status. A visa is canceled when:

1. The facts that justified the granting of the migratory condition have disappeared.
2. The foreign national has received a new migratory status.
3. The person practices acts that are different from the nature of the granted migratory status.

The cancellation, as an administrative penalty, annuls the migratory status that authorizes a foreign national's stay in the country and applies when:

1. There is an executed sentence for crimes penalized with arrest above 5 years, in accordance with the provisions on the expulsion of foreign nationals of the criminal Law.

2. The migratory status was obtained in a duly proved fraudulent way, in which case the foreign national shall be brought before a competent legal authority. According to international instruments ratified by Ecuador, exceptions are established in favor of victims of human trafficking or smuggling of migrants.
3. The resident leaves the country twice and exceeds the terms authorized by this Law.
4. The foreign national has committed acts against State security as duly determined by the competent authority.

Art. 69. Change in the migratory status. For the cases of termination or cancellation of the migratory status, the foreign national may regularize his/her stay in the country according to the corresponding migratory category. Under no circumstance, a person may hold more than one migratory category at the same time.

Section VI

Naturalization

Art. 70. Naturalization. The administrative process whereby a foreign national acquires the Ecuadorian nationality in the cases set forth in the Constitution of the Republic of Ecuador.

Art. 71. Letter of Naturalization. The administrative act that grants the Ecuadorian nationality to foreign nationals in accordance with the Constitution of the Republic.

The following persons may apply for the letter of naturalization:

1. Foreign nationals who have resided regularly and continuously at least three years in Ecuador; and
2. Persons recognized as stateless by the Ecuadorian State and who have stayed in the country for at least two years as of such recognition.

Art. 72. Requirements for the letter of naturalization. The following are requirements to obtain the letter of naturalization:

1. Having resided on a regular and continuous basis at least three years in Ecuador, or having been recognized as a stateless person by the Ecuadorian State and reside in the country at least two years as of such recognition;
2. Be 18 years old at the time of the application;
3. For persons under 18 the consent from whoever holds parental authority or legal tutorship shall be required; the opinion of children and adolescents shall be heard in accordance with the provisions of the competent law;
4. Birth certificate or duly legalized supplementary proof translated into Spanish, as the case may be, except in cases of persons recognized as stateless by the Ecuadorian State;
5. Copy of the identity document or copy of valid passport, duly legalized;
6. Know the patriotic symbols;
7. Present in an interview the reasons for wanting to acquire the Ecuadorian nationality; and
8. Prove licit survival means in the country, except in cases of minors under 18 or disabled persons who depend economically on a third party.

The human mobility authority shall follow the procedure set forth in this Law to grant the letter of naturalization to the foreign national.

Art. 73. Naturalization by marriage or common law relationship. Foreign nationals who get married or maintain a legally recognized common law relationship may apply for naturalization two years after the date of the marriage or the registration of the common law relationship in accordance with the regulation to this Law.

The administrative procedure may not exceed ninety days from the application submittal.

Art. 74. Naturalization by adoption. Ecuadorian nationals who adopt foreign children or adolescents may apply for the registration of their nationality by naturalization with the General Directorate of Civil Registry and Identification or with the diplomatic missions or consular offices.

Art. 75. Naturalization of children or adolescents born abroad from nationalized Ecuadorian mother or father. Children or adolescents born abroad from nationalized Ecuadorian mother or father may be registered by the Ecuadorian father or mother with the General Directorate of Civil Registry and Identification or in the diplomatic missions or consular office, and shall keep the Ecuadorian nationality if no contrary decision is expressed.

Art. 76. Naturalization of foreign nationals for having provided services relevant to the country. Foreign nationals who have remained regularly for more than one year in Ecuadorian territory and have provided relevant services to the country may acquire the nationality by naturalization.

The President of the Republic of Ecuador shall grant the nationality by relevant services provided to the country according to the procedure set forth in the regulation to this Law. It may be applied by a natural person, a group or social organization.

Art. 77. Discretionary power of the State over naturalization. The granting of the letter of naturalization is a sovereign and discretionary act of the Executive Function. In the other cases set forth for naturalization, the Ecuadorian State shall assure compliance with the required conditions.

Ecuadorian nationality by naturalization is acquired from the day when the human mobility authority issues the administrative act that credits such status.

Art. 78. Naturalization application. The application for the Ecuadorian nationality by naturalization can be submitted in Ecuadorian territory or in diplomatic missions or consular offices. The letter of naturalization shall be transacted in Ecuadorian territory or abroad, in accordance with the law.

Art. 79. Unlawful granting of the letter of naturalization. The letter of naturalization shall not be granted upon prior resolution in the following cases:

1. Failure to comply with the requirements set forth in this Law.

2. For having received an executory condemnatory sentence for any crime established in the Rome Statute of the International Criminal Court or for any crime set forth in the Ecuadorian law whose term of imprisonment is above five years.
3. Be considered a threat or risk for internal security according to the information available to the Ecuadorian State.

Art. 80. Renunciation of the Ecuadorian nationality. Persons who have acquired the Ecuadorian nationality by naturalization, by adoption, or by naturalization of the parents may renounce the Ecuadorian nationality after turning 18, provided the renouncing person does not become a stateless person. The renunciation to the nationality must be expressly requested.

In accordance with the National Constitution, the Ecuadorian nationality by birth is not subject to renunciation.

Art. 81. Annulment of the letter of naturalization. Regardless of the corresponding criminal sanction, upon prior damaging action, the human mobility authority shall annul a person's naturalization when granted upon the concealment of relevant facts, false documents, or fraud to the law.

The decision shall be grounded and the due process shall be followed, and notified to the corresponding authorities.

Art. 82. Notifications. The naturalization's granting or denial shall be notified to the interested party to the General Bureau of Vital Records and migratory control authority.

Chapter IV

The South American Community in Ecuador

Art. 83. South American citizens in Ecuador. South American citizens in Ecuador are the nationals of the country members of UNASUR.

Art. 84. Entry and exit from national territory. South American citizens can enter, circulate around, and leave Ecuadorian territory by only submitting the national identification document through official migratory control points. The identification documents issued by their respective countries are travel documents.

The Ecuadorian State shall establish preferential migratory control channels for South American citizens in airports, border crossing points and seaports.

South American nationals shall not be denied entry or deported when they have re-entered to the country after starting the regularization process for their migratory status until it is settled.

Art. 85. Requirements for the temporary residence in Ecuador. South American nationals may apply for the temporary residence for a period of two years, subject to renewal once, before the human mobility authority, in compliance with the following requirements:

1. Valid and effective passport or identity card or nationality certificate issued by the consular agent of the applicant's country of origin;
2. Criminal record certificate from the country of residence the last five years;
3. Not be considered a threat or risk for the internal security according to the information available to the Ecuadorian State;
4. Temporary residence application; and
5. Payment of the rate fixed by the human mobility

The corresponding authority may verify the authenticity of the submitted documentation. In exceptional cases, such authority may investigate more on the applicant for reasons of public matters and shall not ask any other requirement or additional document other than those established in the former paragraph, except for the purpose of clarifying, complementing, or correcting deficiencies of the former items. Any denial of an application shall be grounded.

Art. 86. Requirements for a permanent residence in Ecuador. South American persons who wish to establish in Ecuador, regardless of its migratory status, may request permanent residence before the human mobility authority, in compliance with the following requirements:

1. Valid and effective passport, identity card or its equivalent, or nationality certificate issued by the consular agent of the applicant's country of origin;
2. Criminal record certificate of the country of residence of the last five years;
3. Permanent residence application form;
4. Not be considered a threat or risk for the internal security according to the information available;
5. Payment of rate in accordance with the provisions set forth in the regulation to this Law; and
6. Credit licit survival means that allow the livelihood of the applicant and his/her co-habiting family group, in accordance with the regulation to this Law.

The corresponding authority may verify the authenticity of the submitted documentation. In exceptional cases established by the competent authority, further investigation can be made on the applicant for reasons of public matters and the authority shall not ask any other requirement or additional document other than those established in the former paragraph, except for the purpose of clarifying, complementing, or correcting deficiencies of the former items. Any denial of an application shall be grounded

Art. 87. The relatives of South American citizens. The citizens of states not belonging to the South American region who are married to or have a common law relationship with a South American citizen and have children born in Ecuador may abide by the provision of this chapter.

Art. 88. General rules on residence. The provisions of this Law shall be observed for all matters related to South American nationals not included in this chapter.

Art. 89. Exemption of penalties. South American nationals shall be exempt from paying penalties or other monetary sanctions based on their migratory status, in accordance with this Law, while they are transacting their temporary or permanent residence application.

Chapter V

Foreign nationals under international protection

Section I General Information

Art. 90. International Protection. International Protection is a subsidiary mechanism aimed to assure egalitarian access and the exercise of the rights of people who enter Ecuadorian territory, when their State of origin or residence is unable to provide such protection, including the right not to be returned to the country of origin or to a third country where their security or survival could be threatened, in accordance with international human rights instruments subscribed by Ecuador.

This protection is granted through the recognition of the refugee, asylee, or stateless person's status, and ends solely with a durable solution to the conflict that caused their entry to the country, voluntary repatriation, resettlement to a third country, or by obtaining the nationality of the host country with the limits established by this law. International protection enables access to all rights in accordance with the Constitution, including the right to work in Ecuadorian territory.

The human mobility authority in Ecuador or in diplomatic missions or consular offices abroad shall issue an identity document to the person holding the international protection status.

Art. 91. Subjects to international protection. The following persons are subject to international protection:

1. Asylee, refugee and stateless status seekers,
2. Refugees recognized by the Ecuadorian State.
3. Asylees recognized by the Ecuadorian State.
4. Stateless persons recognized by the Ecuadorian State.

The Ecuadorian State's determination of a person as asylee, refugee, or stateless is an international protection status independent of the migratory status and enables the foreign national to seek for a migratory status in accordance with the law. The determination of persons subject to international protection guarantees their work activity by self-employment or under a dependence relationship, as well as to start or continue their studies at any level of the educational system.

Art. 92. Entry due to forced displacement. The migration control authority shall apply special procedures for the entry of a person or group by reason of forced displacement. In such cases, the affected person's migratory movements shall be registered and the human mobility authority shall be informed to facilitate the obtaining of international protection.

Emergency protocols shall be applied to provide humanitarian assistance in these cases, and entry and exit facilities to humanitarian authorities and organizations in the affected zones shall be granted.

Art. 93. Durable solutions for persons in need for international protection. The Ecuadorian State shall guarantee the inclusion of people with need for international protection in Ecuador.

Persons subject to international protection may return voluntarily to their country of origin when the reason for such need for protection ceases.

The Ecuadorian State in coordination with the competent international organizations shall provide the facilities for voluntary resettlement of a person subject to international protection.

Art. 94. Confidentiality of the data of persons under international protection. The Ecuadorian State shall guarantee the confidentiality of the data of persons subject to international protection in accordance with the provisions of the current legal regulations and international instruments.

The access to personal data shall be made upon the authorization from the holder of the information or with an order from the competent legal authority.

Section II

Asylum status

Art. 95. Diplomatic asylum. Diplomatic asylum is the power of the Ecuadorian State, through the highest foreign affairs authority, to grant international protection or safeguard in its diplomatic missions or consular offices, to foreign nationals whose life, freedom, or integrity are in imminent danger for reasons of political persecution generated from their State of origin or from any other State.

The Ecuadorian State may, at any time and without need to express any reasons, declare the condition asylee to a foreign national, who shall enjoy all the rights and obligations provided for persons subject to international protection in accordance with international law and international instruments ratified by the Ecuadorian State.

Once asylum is granted, the Ecuadorian State shall request the corresponding safe-conduct for such persons to leave the receiving State where the diplomatic mission is established, to travel to Ecuadorian territory.

Once an accrediting State, in diplomatic mission on Ecuadorian territory, grants diplomatic asylum to a person in its official seat or residence, the Ecuadorian State shall grant the corresponding safe-conduct to allow the asylee to leave the country.

Art. 96. Territorial asylum. Territorial asylum is the State's power to grant protection in the national territory to foreign nationals whose life, freedom, or integrity are in imminent danger for reasons of political persecution generated from their State of origin or from any other State.

Territorial asylum shall be ruled by the same parameters than diplomatic asylum. Once the status of the person subject of asylum is granted in Ecuadorian territory, the human mobility authority shall grant a special travel document, as necessary.

The General Directorate of Civil Registry and Identification shall issue the corresponding identification document.

Art. 97. Recognition of asylum status. The Ecuadorian State, through the President of the Republic of Ecuador, has the power to grant or reject the asylum and cessate or cancel it.

Section III Refugee Status

Art. 98. Refugees. In Ecuador, refugee status shall be granted to any person who:

1. Owing to founded fears of being persecuted for reasons of race, religion, nationality, membership to a particular social group or for political opinions, such person is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.2. Has fled or is unable to return to his country because his life, security, or freedom has been threatened by generalized violence, foreign aggression, internal conflict, massive violation of human rights, or other circumstances that have seriously disturbed public order and is unable to avail himself to protection in his country of nationality or regular residence.

Recognition of refugee status is of declarative, civil, humanitarian and a political nature and grants the person international protection status.

Section IV Procedure for the determination of refugee status

Art. 99. Guarantees for due process. The procedure for the recognition of refugee status shall observe the following guarantees as well as those included in the Constitution:

1. Procedures shall be individualized;
2. A personal interview shall take place and the applicant may choose the sex of the interviewer in cases of gender violence;
3. Applicants shall receive the necessary orientation on the procedure, including the appeal phases in a language and way they understand;
4. The burden of proof shall be shared and, thus, the responsibility of proving the need for international protection also falls on the human mobility authority, who shall collect sources of information to resolve the case;
5. Applicants shall be notified in writing of all decisions taken and may file administrative recourses to suspend the resolutions made by the competent authority;
6. In order to protect the rights of applicants who could be at risk, the procedure to determine refugee status shall observe the principle of confidentiality and protect personal data in all phases;
7. Children and adolescent applicants shall enjoy specific procedural and probatory guarantees to assure their best interest, in accordance with the Constitution, international instruments ratified by Ecuador, and the current legal regulation;
8. Applications filed by unaccompanied children and adolescents or separated from their legal representatives, victims of torture, victims of sexual abuse, or violence by reasons of gender, and other persons of priority attention groups shall be processed with priority;

9. In the case of unaccompanied children and adolescents or separated from their legal representatives, the competent authority shall coordinate the appointment of a tutor or legal representative; the human mobility authority shall immediately notify the Public Defender's Office to assume the child's or adolescent's legal representation;
10. The lack of documentation shall not keep a person from presenting an application for the determination of refugee status;
11. Refugee status determination shall be made by the human mobility authority; and
12. The refugee status determination procedure and application shall be free of cost.

Art. 100. Application submittal. Refugee status applicants must be in Ecuadorian territory. Applicants shall submit an oral or written application for the recognition of the refugee status before the competent authority within 90 days following their entry.

Any public server who becomes aware of the entry of a person in possible need for international protection is obliged to immediately refer him/her to the human mobility authority to file the corresponding application.

Once the refugee status application is filed, the human mobility authority shall grant a humanitarian visa to accredit the person as an asylum seeker, which will allow him/her to remain in the country with regular migratory status until the corresponding resolution is issued.

The highest human mobility authority may accept, exceptionally and by reasons of duly proved act of God or force majeure, to process a refugee status application submitted out of term.

Art. 101. Application qualification and resolution time. All applications for refugee status shall be qualified by the human mobility authority and shall be decided in a term of three months, extensible for thirty days when the case demands more elements of judgment for such decision.

Art. 102. Interview. The human mobility authority shall call the applicant for an interview to collect information and elements of judgment to decide on the application. Within the term of ninety days established to decide on the application, the human mobility authority may exceptionally call a second interview.

Upon receiving the refugee status application, the authority shall also set the date for the interview and inform the applicant thereof.

If the applicant fails to appear to the scheduled interview without due justification, it shall be deemed that he/she has waived the refugee status determination process and the application shall be filed.

The human mobility authority shall prepare a technical report determining the application's eligibility. The report shall include the application's registration, its technical qualification criteria, and any other element of judgment. The human mobility authority shall verify and corroborate the information provided by the applicant.

Art. 103. Application not admitted. In case that, after an individual interview, the human mobility authority qualifies the application as manifestly unfounded or fraudulent in

accordance with international instruments, the human mobility authority shall declare the application inadmissible upon grounds.

Manifestly unfounded applications have no relation to the criteria established to grant refugee status. Fraudulent applications lead to deceit or intent to induce to errors by the applicant.

After the application is qualified as inadmissible, it may be appealed administratively in accordance with the regulation to this Law. If the resolution denies the application, the person must leave the country in a maximum term of fifteen days or the deportation procedure shall start in accordance with this Law.

Art. 104. Refugee status determination. The determination of refugee status requires that the applicant:

1. Shall not have returned to his/her country of origin since the application was filed.
2. Must have been identified by the human mobility authority.
3. Must not have filed an application with an objective and subjective identity in another country.
4. Must not be considered a threat or risk to internal security according to the information available to the Ecuadorian State.

The resolution of determination or denial of the refugee status must be grounded.

Art. 105. Effect of a refugee status determination. The human mobility authority shall grant a temporary residence visa to a person recognized as a refugee and the latter, after two years, may apply to renew the temporary visa or apply for a permanent residence. After recognizing the refugee status, the human mobility authority shall grant a travel document. The General Directorate of Civil Registry and Identification shall issue the identification document.

Art. 106. Exclusion clauses. A person shall be excluded of the refugee status protection when there are grounded reasons to consider the person:

1. Has committed a crime against peace, a war crime, or a crime against humanity as defined in international instruments subscribed by the Ecuadorian State.
2. Has committed a serious non-political crime outside the Ecuadorian State before being admitted as a refugee. To the ends of this item, a serious crime shall be deemed whenever the Ecuadorian legal system sets forth deprivation of liberty above five years.

Art. 107. Cessation. The human mobility authority shall cease the refugee status when the person subject to international protection:

1. Has voluntarily re-avail himself of the protection from the country of his nationality.
2. When, after having lost his nationality, he voluntarily reacquired it.
3. Has acquired a new nationality and enjoys the protection of the country of his new nationality.
4. Has voluntarily re-established in the country he left from or had left or outside which he remained owing to fear of persecution;

5. He can no longer, because of the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality. All this, provided there are no compelling reasons derived from previous persecutions on which refugee status was granted.
6. Being a person who has no nationality he is, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence. All this, provided there are no compelling reasons derived from previous persecutions on which the refugee status was granted.

Art. 108. Cancellation or revocation. The human mobility authority shall start the refugee status cancellation procedure upon verifying it should not have been granted due to inexistence of the refugee definition elements or for any of the exclusion clauses set forth by this Law or international instruments at the time of granting refugee status.

The human mobility authority shall start the revocation procedure when after being granted refugee status, the person incurs in one of the exclusion clauses set forth in this Law or international instruments. International protection of a refugee shall also be revoked when the person is convicted for a crime set forth in the Ecuadorian criminal law.

Art. 109. Absence from national territory. Before leaving Ecuadorian territory in order to go to their country of origin, of residence, or third countries, recognized refugees shall have prior authorization by the human mobility authority, which shall determine the maximum allowed time for such absence.

Such displacements shall be made under compelling, exceptional, and verified circumstances, duly justified by the applicants and authorized for a limited time that shall not exceed ninety days within a two-year period, when the return is made to the country in which the reason for international protection occurred in accordance with the provisions of this law.

The person who leaves the country without the authorization referred to in the former article, or who exceeds the authorized term, shall be subject to the revision of his/her refugee status.

If the refugee travels to countries with which Ecuador keeps agreements to recognized the extraterritoriality for the refugee status, the person shall be subject to the provisions of such instruments.

Section V

Stateless status

Art. 110. Stateless persons. Any person who is not considered as a national of any State under the operation of its law shall be recognized by Ecuador as a stateless person.

Art. 111. Determination of stateless status. The recognition of a stateless person is a declarative, humanitarian, and apolitical act of the Ecuadorian State that can be made at the request of the person or ex officio.

In order to determine the stateless status, the person must be in Ecuadorian territory and submit an oral or written application to the human mobility authority.

Art. 112. Stateless status determination procedure. After the human mobility authority receives the application or becomes aware of the case, it shall start a summary procedure, including an interview, to decide on the determination of stateless status in a maximum term of ninety days.

The human mobility authority may deny the petition in accordance with the provisions of international instruments ratified by Ecuador.

Art. 113. Guarantees for due process. The stateless status determination procedure shall take place by observing the following guarantees, besides those set forth in the Constitution.

1. Procedures shall be individualized;
2. The burden of proof shall be shared and, thus, the responsibility of proving the need for international protection also falls on the human mobility authority, who shall collect sources of information to resolve the case;
3. Applicants shall receive the necessary orientation on the procedure, including the appeal phases in a language and way they understand;
4. Priority shall be given to processing the applications filed by unaccompanied children and adolescents or separated from their legal representatives, victims of torture, victims of sexual abuse, or violence by reasons of gender;
5. In the case of unaccompanied children and adolescents or separated from their legal representatives, the children and adolescent protection authority shall coordinate the appointment of a tutor or legal representative; the human mobility authority shall immediately notify the Public Defender's Office to assume the child's or adolescent's legal representation;
6. The stateless status determination procedure and application shall be free of cost.

No penalty shall be imposed upon the applicant for entry or irregular stay in the country while the person is still an applicant or when already recognized as a stateless person.

Art. 114. Effect of the stateless status determination. The human mobility authority shall grant a temporary residence visa to a person recognized as stateless and the latter, after two years, may apply to renew the temporary visa or for a permanent residence.

The human mobility authority shall grant a special document and General Directorate of Civil Registry and Identification shall issue the identification document.

Art. 115. Exceptional mechanism for the naturalization of stateless persons. Recognized stateless persons shall have access to a naturalization mechanism for humanitarian reasons, in accordance with the provisions of this law, which shall be enforced at the request of the interested party.

Art. 116. Determination of stateless status by other states. For migration purposes, individuals recognized with a stateless status in other states shall receive the same conditions as the nationals of the State where such status was acknowledged.

Chapter VI

Human Trafficking and Smuggling of migrants

Section I

Definitions and Principles on Human Trafficking and Smuggling of migrants

Art. 117. Victim of human trafficking or smuggling of migrants. A person who has been subject of recruitment, transport, delivery, harbouring, or reception in the country, from or to other countries, with the end of exploitation resulting in material or economic profit, an immaterial advantage, or any other benefit to a third party, is a victim of human trafficking

Persons subject of illicit migration from or to Ecuadorian territory with the aim to obtain direct or indirect economic benefits, or other material benefits in favor of a third party, are victims of smuggling of migrants

Art. 118. Registry for the identification of victims of human trafficking or smuggling of migrants. The ruling authority for citizenship security and public order shall create and handle the registry to identify the victims of human trafficking or smuggling of migrants.

Public and private entities, as well as international cooperation, shall support the identification of the victims of these crimes.

The registry will enable collection, processing, and analyzing information to characterize victims of human trafficking or smuggling of migrants, which will be an input in developing public policy, action plans and strategies for short, medium, and long term prevention.

Art. 119. Principles related to victims of human trafficking or smuggling of migrants. The following principles were considered in this field:

Integral and specialized protection. The State shall protect the life, security, and integrity of the possible victims of human trafficking or smuggling of migrants from the moment of their identification by protecting their life, integrity, and security. Protection is not subordinated to filing a complaint or providing testimony. Protection shall be extended to the relatives of the victims of human trafficking or smuggling of migrants, provided they are not liable for generating such situation.

Access to information. The victims of human trafficking or smuggling of migrants shall be informed of all processes related to their integral treatment.

No criminalization and no detention of victims. No sanction whatsoever shall be enforced on victims of human trafficking or smuggling of migrants for acts resulting from being subject of such crimes.

Confidentiality. Personal information of victims of human trafficking or smuggling of migrants shall be kept confidential.

Presumption of underage status. If the age of the victim is not clearly established or if there

is reasonable doubt about the age or the authenticity of his/her personal identification or travel documents, underage status shall be presumed.

No discrimination. The victims of human trafficking or smuggling of migrants shall not be discriminated or receive a less favorable treatment because of their nationality, sex, sexual orientation, age, or any other circumstance that implies discrimination.

No revictimization During the process all public servers, private persons, and international organizations that take care of victims of human trafficking or smuggling of migrants shall avoid a new risk of victimization by using the instruments developed to this end.

Section II

Prevention of Human Trafficking or Smuggling of migrants, and Victims Care

Art. 120. Prevention of human trafficking or smuggling of migrants. The Ecuadorian State, through the citizen security ruling authority and the public order, shall develop national plans against human trafficking or smuggling of migrants, and other programs and projects to prevent it.

The human mobility authority, the citizen security and public order ruling authority shall coordinate with the corresponding institutions, at all government levels, prevention mechanisms, policies and strategies at the education, work, social-economic, cultural, citizen security, and communication levels in order to anticipate, reduce, and prevent the phenomenon of human trafficking or smuggling of migrants, and protect the victims.

Art. 121. Prevention at the education, work, social-economic, cultural, citizen security, and communication levels. Education policy ruling and executing entities, in coordination with the human mobility authority shall design and apply education plans, programs, and campaigns to prevent risky migration and the crimes of human trafficking or smuggling of migrants throughout the entire preschool, elementary, secondary, higher system, and other levels of academic training.

The ruling labor authority shall organize and implement mechanisms addressed to prevent human trafficking and shall establish regulations to rule on public and private employment agencies. All cases of labor placement originated in Ecuadorian territory with a destination abroad shall be registered by the ruling labor authority.

The ruling entity in charge of communication and information policies, in coordination with the human mobility and citizen security and public order authorities, shall design and implement communication strategies to inform, sensitize, and create awareness in the community on the risks, causes, consequences, and modalities of human trafficking or smuggling of migrants.

The citizen security and public order ruling entity shall coordinate the prevention of human trafficking or smuggling of migrants crimes.

Art. 122. Care and protection measures. The authority in charge of providing services to the victims of human trafficking or smuggling of migrants shall provide the care, protection, assistance, and repair services established in this Law, in accordance with

the corresponding protocols, considering gender, inter-generation, and inter-cultural approaches, as well as the principle of special attention.

The victims of human trafficking or smuggling of migrants shall receive emergency protection as state in international human rights instruments. In order to comply with this obligation, the migration control ruling authority may receive assistance from other public, private institutions, and other sectors of civil society.

TITLE II **ENTRY, EXIT, MIGRATION CONTROL & LEGALIZATION DOCUMENTS**

Chapter I Migration Control

Section I **Common Provisions**

Art. 123. Entry and exit from the national territory.

All persons must enter and exit from the national territory through the official migration control points. The entry and exit of people shall be controlled in strict observance of human rights.

The following are the requirement for the entry or exit:

1. Valid and effective travel or identification document;
2. Registration of entry or exit in the format defined by the migration control authority; and
3. Valid visas for the cases established by the law or the human mobility authority.

The above requirements shall not be considered for the members of cross-border peoples and nationalities. The procedure for this case shall be defined on international instruments and the regulation to this Law.

For the cases of international protection the provisions of this Law and applicable international instruments shall be considered, and any requirement other than those provided in this law shall be banned.

The migration control authority, upon prior request based on the national health authority, may request an international immunization certificate to citizens residing in another country as required.

Art. 124. Migration Registry. All persons, at the time of their entry and exit from national territory, are obliged to register before the migration control authority.

In border integration zones registry, the exceptions established in this law and international instruments ratified by Ecuador shall apply.

Section II

Entry and Exit of Ecuadorian Nationals

Art. 125. Entry of Ecuadorian nationals to Ecuadorian territory. Ecuadorian nationals are free to enter Ecuadorian territory with no restriction whatsoever.

Art. 126. Migration Registry for Ecuadorian nationals with dual nationality. The persons who enter the national territory with a foreign travel document that allows identifying their place of birth on Ecuadorian territory shall be registered in the dual nationality migration system. The status of these persons shall be considered to calculate their authorized stay in the country.

For the case of citizens who were born abroad and have a foreign travel document and at their entry to Ecuador prove they are descendants up to third degree of consanguinity of an Ecuadorian national, the migratory control authority shall register them in the dual nationality migration system.

Art. 127. Further registration of the Ecuadorian nationality. The persons established in the second paragraph of the article on the migratory registration of Ecuadorian nationals with dual nationality shall register their dual nationality with the General Directorate of Civil Registry and Identification.

Art. 128. Denial to exit Ecuador. Regardless of the criminal liability, Ecuadorian nationals with the impediments stated below shall not be allowed to exit Ecuadorian territory:

1. An order from the competent legal authority.
2. Not have a valid visa for the case of the countries that require it.
3. Submit forged or adulterated documentation which shall be put on a grounded report. These persons shall be brought before the competent authority.
4. All others set forth in the law.

Section III

Entry of Children and Adolescents

Art. 129. Entry of children and adolescents. Ecuadorian and foreign children and adolescents may enter the national territory in the following conditions:

1. Accompanied with one or both parents, legal tutors, or whoever holds their parental authority.
2. Alone or with third persons. In case the foreign child or adolescent enters alone, he/she shall have the authorization from whoever holds the parental authority, the competent authority in their corresponding country or under the current regulations of the country of origin and the rules of current international agreements of which Ecuador is a member.

When the child or adolescent is Ecuadorian and enters alone, he/she shall be placed under the protection of the competent authority until the corresponding protocol is met.

The entrance of children or adolescents to the country shall be registered in the National Integrated System on Human Mobility: including who enters or who shall be the tutor in the country and the place where the child or adolescent will stay.

Art. 130. Exit of children and adolescents. Ecuadorian and foreign children and adolescents may leave the national territory in the following conditions:

1. Accompanied by their parents, legal tutors, or whoever has parental authority, or with one of the parents upon prior notarial or legal authorization of the parent who is not traveling with him/her.
2. Alone or with third persons upon the prior authorization of the parents, tutors, or whoever has parental authority.

Exceptionally, and in case the authorization from the parents, tutors, or whoever has parental authority is not achievable, or due to disagreement regarding who has parental authority, the parties may resort to a competent judge and seek for the corresponding resolution, which shall be based on the principles of the higher interests of children and adolescents.

The exit of children and adolescents from the country shall be registered in the National Integrated System on Human Mobility including who is leaving, who shall be their tutor in the country of destination, and the place where they will stay.

In case of children and adolescents who entered by tourism, they shall subject to the requirements of entry to the country.

Section IV **Entry, Stay, and Exit of Foreign Nationals**

Art. 131. Entry of Ecuadorian foreign nationals. Foreign nationals may enter Ecuador upon prior submittal of a travel document that credits their identity. Likewise, the migration control agent shall verify the migratory condition declared by the foreign national at the official migration control point.

The migration control authority shall establish the procedures of entry for foreign nationals in accordance with this Law and its regulation.

Art. 132. Migratory worker situation control. Competent labor entities shall assure that public institutions and private companies guarantee labor rights to foreign nationals in Ecuador.

The ministry of labor shall issue the necessary regulation to control and penalize infringement of the rights of the people in human mobility established in the Constitution and the law.

Art. 133. Obligation Compliance Control. Competent tax and social security entities shall assure compliance with tax and social security obligations by temporary and permanent residents and their employers in Ecuador, as the case may be.

Art. 134. Control of authorized activities and stay in Ecuador. The migratory control

authority shall have the powers to assure compliance with the activities authorized for foreign nationals during their stay in Ecuador, in coordination with the other competent State institutions.

To the ends of assuring the migratory status of foreign nationals in Ecuadorian territory, the migration control authority shall have the power to control, review, and verify the migration status in coordination with the human mobility authority.

Art. 135. Arrest of foreign nationals upon international detention alert. Foreign nationals who are under an international detention alert acknowledged by the Ecuadorian State and are identified at the official migration control point or in Ecuadorian territory shall be immediately taken before the National Police and the competent legal authority.

Section V **Non-Admission**

Art. 136. Non-Admission. Non-admission is the Ecuadorian State's power to deny the entry to a foreign national according to an action or omission committed by the latter.

Art. 137. Reasons for non-admission. The reasons for non-admission of a foreign national are the following:

1. The submittal of false, adulterated, or destroyed documentation to the migration control authority.
2. Have a non-entry provision registered for being deported or for having committed a migration infringement set forth in this Law, during the term of such measures.
3. Failure to timely comply with the term to return to the country, in accordance with the provisions of the criminal for the case of expulsion.
4. Lack of valid and effective travel document issued by the competent authority of the place of origin or domicile.
5. Lack of current visa in the cases it is required pursuant to the Ecuadorian migratory policy or failure to justify migratory condition.
6. Be considered a threat or risk for internal security according to the information available to the Ecuadorian State.
7. Intentional attempt to evade migration filters.
8. Obstruct the work of the migration control authority.
9. Not have the immunization certificate in accordance with the provisions of the sanitary authority.
10. Being registered for having committed one or more migration infringements while the imposed monetary penalty is not paid.
11. After being legally notified, not appearing within the procedure for the deportation and pretend to enter again to Ecuador.

The migration control authority shall be in charge of determining, with justification, the items described in this article, as well as to perform the procedure of non-admission included in this Law.

Transport companies shall immediately assume to transfer non-admitted persons to their country of origin or their last shipping port.

In the cases of causes 4 & 5, without need for any administrative procedure, the non-admitted person's exit shall be immediately required, and may return to the country once the reason for non-admission is corrected.

In the case the foreign national is identified as a victim of human trafficking, the procedure established in this Law shall be enforced.

Art. 138. Procedure for non-admission. The migration control agent who identifies a possible cause for non-admission shall prepare a report. A hearing shall take place in a maximum term of 24 hours where the subject of non-admission shall appear together with the migration control authority and, through a grounded resolution, shall resolve the foreign national's migration situation.

The migration control authority shall immediately notify the human mobility authority and the Public Defender's Office for the latter to assist the person under the non-admission process.

Art. 139. Cases of international health alert. Whenever the migration control authority identifies a person from a country with international health alert, in accordance with international protocols on the subject, shall introduce such person to the national sanitary authority to apply the corresponding procedures.

Art. 140. Prohibition to Return. Foreign nationals not admitted on Ecuadorian territory are prohibited from entering the country for a two-year term, except for the reasons contained in items 4.5 and 9 of the article on the reasons for non-admission. In the case of item 3 of the above-mentioned article, the provisions of the criminal law shall apply.

Section VI

Deportation and Expulsion

Art. 141. Deportation. The administrative resolution whereby the migration control authority requires a foreign national's leaving the national territory and may not re-enter the country for a term of three years.

Deportation shall apply solely under the reasons set forth in this Law and by strictly observing the due process guarantees established in the Constitution.

Art. 142. Cases of voluntary exit. If the foreign national has failed to regularize his/her migratory status in Ecuador within the term established in this law, the migration control authority shall notify him/her with the obligation of leaving the country in a term of thirty days, otherwise a deportation procedure shall start.

Art. 143. Reasons for Deportation. Foreign nationals who incur in one of the following causes shall be deported from Ecuadorian territory:

1. Entering through a non-authorized place, except for persons subject to international protection;
2. Providing, at any time, fraudulent or altered documentation and presents it to any public authority regardless of the criminal responsibility after due process;
3. Not having started the regularization process within the term provided by this Law;

4. Relapsed migratory infringements;
5. Visa annulled;
6. Failure to comply with voluntary exit notice in a thirty-day term;
7. Committed crimes against the structure of the constitutional State with term of imprisonment under five years according to the criminal legislation;
8. Participation in matters of internal politics as a temporary visitor in Ecuador,

Art. 144. Administrative procedure for deportation. Whenever the migration control authority becomes aware, by any licit means that a person has incurred into a reason for deportation the following administrative procedure shall start:

1. The migration control authority shall immediately notify the beginning of the administrative procedure to the human mobility authority and the foreign national who have incurred in a fact that is grounds for deportation.
2. The same notification shall call the hearing that shall take place in a maximum term of ten days and where all evidence shall be presented.
3. In case the person needs it, the Ombudsman's Office shall be notified to defend the suspect.
4. Once the hearing concludes, the migration control authority shall immediately issue a grounded resolution, which shall be notified to the suspect in writing in a maximum term of 48 hours. The administrative resolution may be subject to reversal and appeal in accordance with the regulation that governs administrative procedures.

During the process, legal assistance shall be provided in the process, as well as a translator or interpreter, as required, and facilities to communicate with relatives.

Once the firm resolution is issued the provisions of the regulation to this Law shall be observed.

For cases of foreign nationals who started the procedure to change their migratory status before, deportation shall not apply until the application process concludes.

Art. 145. Custody for the deportation's execution. The migration control authority shall guarantee human rights protection for the individual subject of deportation process.

In order to guarantee deportation measures enforcement, in the corresponding proceeding bill, in the corresponding proceeding bill, impose the following precautionary measures upon the foreign national subject to the deportation process:

1. Periodic appearance before the human mobility authority or payment of monetary surety, fixed in accordance with the foreign national's economic situation.
2. Other measures that guarantee the suspect's appearance during the deportation process provided they do not imply personal freedom deprivation or restriction.

In case of non-compliance with the precautionary measures, the migration control authority shall require, with the support of the National Police, the immediate deportation of the foreign national.

The migration control authority shall communicate the individual under deportation process of the consequences of failing to comply with such measures.

Art. 146. Transfer of the deported person. The transfer of the deported person shall take place according to the instruments of the international instruments ratified by Ecuador.

Art. 147. Expulsion. The administrative act whereby a foreign national is expelled from Ecuadorian territory through legal resolution, after being subject to deprivation of liberty for more than five years; and the person shall not return to Ecuador in a term of ten years, as established by the criminal law.

Expulsion shall not be provided in cases where the foreign national, before the date of committing the offense, married, was recognized in a relationship of common law with an Ecuadorian national, or has Ecuadorian children.

Chapter II

Travel Documents

Art. 148. Types of travel documents. The passport and special travel documents are travel documents: Within bilateral, regional, or multilateral agreements, citizenship and identity cards or equivalent shall also be considered travel documents;

The human mobility authority shall be in charge of ruling the field of travel documents, and to grant them, excepting citizenship and identity cards, and the regular passport inside Ecuadorian territory.

The migration control authority shall be in charge of controlling the adequate and pertinent use of the different types of travel documents.

Art. 149. Passport. A passport is the official, personal, individual, and non-transferable travel document that identifies a person and enables its holder to enter, leave, and mobilize inside and outside national territory.

All Ecuadorian nationals are entitled to have a passport according to the regulation to this Law.

Art. 150. Types of passport. The types of passport that the Ecuadorian State grants are ordinary, diplomatic, official and service, and emergency.

Art. 151. Ordinary passport. The National Bureau of Vital Records shall issue ordinary passports to all Ecuadorian nationals through its agencies in national territory and Ecuadorian diplomatic missions or consular offices abroad.

Art. 152. Diplomatic Passport. The human mobility authority shall grant the diplomatic passport through its agencies in national territory and Ecuadorian diplomatic missions or consular offices abroad to:

1. Such persons who exercise the presidency or vice presidency of the republic, their spouse or legally acknowledged common law relationship, their children, and parents;
2. Persons who have served in the presidency or vice presidency of the Republic. The diplomatic passport shall not be granted when the person has been removed or revoked from the position in accordance with the Constitution and the law;

3. The members of the National Assembly;
4. Persons who serve as ministers of State or their equivalent at a high hierarchy;
5. Persons who serve as the senior authority of the different State functions;
6. The highest authorities of the Attorney General's Office, the Comptrollership, and the State Prosecutor's Office;
7. Persons who serve as the highest superintendence authorities;
8. Persons who serve as judges of the Constitutional Court and the National Court of Justice;
9. Persons who represent the Ecuadorian State before international organizations, their spouse and dependent children;
10. Persons who serve as ambassadors, ministers, councilmen, first, second, and third secretaries of the Foreign Service in Ecuador or abroad. If the person is assigned to diplomatic missions abroad, diplomatic passports shall be granted to his/her spouse or legally recognized common law partner and their dependent children; and
11. Persons who serve as civil, commercial, cultural attaches, and as members of technical or ancillary staff for the Foreign Service When appointed to perform services abroad the passport shall be extended to the spouse or legally recognized common law partner and dependent children.

Art. 153. Official and service passport. The human mobility authority or its delegate in Ecuador, and the diplomatic missions or consular offices shall grant the official and service passport to the following persons:

1. State servers accredited by its institutions to carry out temporary activities abroad;
2. State vice ministers and undersecretaries;
3. The members of the National Electoral Council and the Contentious Electoral Court;
4. The manager of the Central Bank;
5. Popularly elected officials of decentralized autonomous governments;
6. The governors;
7. The Armed Forces and National Police heads or officers in official mission.
8. Delegates to international meetings and members of special meetings appointed through executive or ministerial decree from the senior authority;
9. People who serve as rectors of universities and polytechnic schools;
10. High performance athletes when traveling in representation of the Ecuadorian State;
11. Artists, cultural and academic managers, who travel abroad for events, conferences, or exhibits in representation of the Ecuadorian State;
12. Others established in the regulation to this Law;
13. The officers of the different State, autonomous decentralized governments declared in service commission upon prior petition signed by the head of the corresponding institution;
14. Ecuadorian staff performing technical or administrative functions in Ecuadorian diplomatic missions or consular offices; and
15. Domestic staff contracted by members of the Ecuadorian foreign service or Ecuadorian officers of international organizations serving as permanent officers abroad. In this case the passport validity shall last exclusively for the time of the work contract.

Art. 154. Emergency Passport. The human mobility authority shall grant emergency passports in the national territory and in diplomatic missions or consular offices to

persons who have lost or suffered theft of their valid passport for them to return to Ecuadorian territory.

This passport may also be delivered to foreign nationals residents in Ecuador or acknowledged as the holder of international protection who lacks a travel document to return to Ecuadorian territory.

Art. 155. Passport validity. The ordinary passport shall have a six-year effective term. The diplomatic passport, the official and service passport shall have a five-year effective term authorized exclusively for the time of the position, the term of the mission or service commission requested by the institution, after which it shall be returned to the issuing authority. The emergency passport shall remain in force up to three months in accordance with the regulation to this Law.

Art. 156. Special travel documents. The human mobility authority shall issue a special travel document to persons who are recognized as asylees, refugees, and stateless by the Ecuadorian State, in accordance with international instruments for them to entry and leave national territory. This document shall be valid for the time determined by the human mobility authority, according to the term needed by the asylees, refugees, and stateless persons to stay abroad.

Art. 157. Annulment of travel documents. The passport shall be annulled in the following cases:

1. If the competent legal authority declares it false.
2. Lack of signature or stamp by the competent authority.
3. Alterations or destruction aimed to modify its contents.
4. Not being granted in accordance with this Law and its regulation.
5. Annulled by the competent authority.

Art. 158. Passport devolution. The migration control, the human mobility authority, and diplomatic missions or consular offices shall request the devolution of the diplomatic, official, and service passport, and emergency and special travel document that may be in circulation against the provisions of this Law.

Art. 159. Prohibition to withhold, modify, or rupture documents. Withholding travel documents from any person who enters, leaves or stays in Ecuadorian territory is forbidden, except when falsehood or nullity is identified.

Likewise, the human mobility authority or migration control authority, while reviewing documents, may not adulterate or break them in detriment of the user.

Exceptionally, the human mobility authority or migration control authority shall not withhold travel documents when there is an obligation to return the diplomatic, official, or special travel document, and the person has failed to return it.

Chapter III

Legalization Services for Documents Issued in Ecuador

Art. 160. Legalization of documents. Solely the human mobility authority and its diplomatic representations or consular offices are in charge of the legalization of documents with effect abroad.

The human mobility authority shall keep an updated record of the signatures of public national authorities, for which the State institutions are obliged to notify the entry and exit of officials who serve in official positions and comply with these functions, as well as to register their signatures.

Art. 161. Procedure to legalize documents and apostille. The regulation of the procedure to legalize and apostille Ecuadorian public documents shall be governed by the regulation issued to this end by the human mobility authority and international instruments on the subject ratified by the State.

Art. 162. Validation of foreign documents in Ecuador. Documents legalized abroad by Ecuadorian diplomatic missions or consular offices, as well as apostilles according to The Hague Convention shall be validated in Ecuador.

TITLE III

INSTITUTIONALITY AND SANCTIONS REGIME

Chapter I

Human Mobility Institutions

Art. 163. Human mobility governance. The President of the Republic shall determine the human mobility ruling entity with the following competences:

1. Protect and assure compliance with the rights of people in human mobility;
2. Design public policies, plans, and programs to assure compliance with the rights of persons in human mobility, in coordination with the other State institutions;
3. Follow up and assure compliance with due process in administrative deportation processes;
4. Assure compliance with the duties and obligations set forth in this Law for person in human mobility;
5. Enforce the rules on the emission of travel documents, as well as grant visas, residences, and temporary visitor permits in the ways set forth in this Law;
6. Create and keep the updated the National Integrated Information System on Human Mobility;
7. Provide assistance in the country and abroad, through diplomatic missions, consular offices, and other official representations, to the Ecuadorian community in human mobility conditions in accordance with this Law and international instruments ratified by the Ecuadorian State;
8. Coordinate with the diplomatic missions or consular offices credited before the Ecuadorian Government care of their fellow nationals in human mobility situation;
9. Grant the Ecuadorian naturalization, except in case of naturalization by merits;

10. Acknowledge the international protection status, as well as its cancellation, repeal, or cease;
11. Preserve the historic, documentary, and institutional memory related to human mobility, and generate and promote the investigation of data in human mobility to generate public policy;
12. Design, develop, and update the risky migration prevention and inclusion program for the foreign community in Ecuador, in coordination with other government instances in accordance with the regulation to this Law;
13. Assure compliance with the rights of persons who return, in coordination with other State institutions; and
14. All other competences set forth in the law.

The ruling human mobility authority, through Ecuadorian diplomatic missions and consular offices shall coordinate with the Ombudsman's Office to defend the rights of Ecuadorians abroad, as well as cooperation actions for rights protection and promotion.

Art. 164. Competences of the migration control authority. The President of the Republic shall determine the entity of the Executive Function's migration control which shall have the following competences:

1. Entry and exit registration and control of people in accordance with the reasons and mechanisms established by Law;
2. Verify the stay of foreign nationals in national territory;
3. Register and keep updated the information on children and adolescent's exit of the country in the National Integrated Information System on Human Mobility;
4. Inform and coordinate deportation procedures with the human mobility authority;
5. Perform the deportation of foreign nationals pursuant to the procedure established by Law;
6. Fight against human trafficking and smuggling of migrants in coordination with the ruling citizen security and public order authorities;
7. Monitor the situations of risk in which persons in human mobility may be involved and take protection actions in coordination with the human mobility ruling entity and national and international entities, if necessary;
8. Impose administrative sanctions as provided in this Law; and
9. All others set forth in the law.

The migration control authority shall exercise the competences set forth in this Law, in coordination with the human mobility authority.

Art. 165. Competences of provincial and municipal autonomous decentralized governments.

Provincial and municipal autonomous decentralized governments, in coordination with the human mobility authority, are competent for:

1. Create the social, economic, productive, and labor integration regulations, and respect for the human rights of people in human mobility and, in particular, of return migrants;
2. Coordinate with public and private institutions integral care for people in human mobility;
3. Integrate in their territorial development and ordering the actions, public policies,

- plans programs, and projects that enable to assure the effective exercise of human rights for people in human mobility;
4. Participate in the spaces of inter-institutional dialogue and coordination in human mobility matters;
 5. Prevent human trafficking and smuggling of migrants in coordination with the human mobility authority, the migration control authority, and other competent entities; and
 6. All other competences set forth in the law.

Art. 166. Co-responsibility at the local level. Provincial and municipal autonomous decentralized governments, in coordination with the human mobility authority and the migration control authority shall:

1. Generate inclusion and development policies aimed to prevent hazardous migration, in the field of their competence, as well as to support the reincorporation of victims of human trafficking and illicit human trafficking;
2. Create policies and programs for the inclusion of the foreign community and peaceful cohabitation; and
3. Plan, in the middle and long term, social and economic integration of returned migrant community.

Art. 167. Mainstreaming the human mobility approach in the public sector. All entities of the public sector, at all government levels, shall include the human mobility approach in plans, programs, projects, and services.

Art. 168. National Integrated Information System on Human Mobility. The National Integrated Information System on Human Mobility is created and shall at least include identity data, migration status, migration movements, and place of residence of the people in human mobility.

This system will consolidate information that keeps public entities related to human mobility, taking in consideration provisions on confidentiality. The System shall be administrated by the human mobility authority, in coordination with the migration control authority and the National Bureau of Vital Records and other entities related to human mobility, in accordance with the current legislation and the regulation to this Law.

Art. 169. Rates and duties. The human mobility authority, through ministerial agreement, shall fix the values for the services provided at the national and international level. The collected values shall be handled according to the current regulation.

Chapter III Sanctions Regime

Art. 170. Migration infringements. The following are migration infringements regardless of the applicable civil and criminal actions:

1. Whoever performs activities that are not allowed by the migratory visa or status granted by the competent authority shall be sanctioned with the penalty of one basic unified wage. In case of relapse, the migration status shall be canceled.

2. The person who fails to regularize his/her migration status within the time established by this Law shall be penalized with two basic unified wages.
3. The person who has permitted or facilitated a foreign national's evasion of migration control filters shall be penalized with five basic unified wages.
4. Foreign nationals married or joined by common law with an Ecuadorian national in a simulated way and with the sole purpose of achieving a migratory status to settle in the country shall be sanctioned with a penalty of five basic unified wages.
5. The transportation company that ships or disembarks foreign nationals in places other than those destined for international transit of people shall be sanctioned with fifteen basic unified wages.
6. Companies devoted to international land, sea, or air transportation who transfer foreign nationals without valid migratory documentation shall be sanctioned with fifteen basic unified wages.
7. Temporary residents who leave the country for more than ninety accruable days per year within their term of residence shall be sanctioned with three basic unified wages.
8. Permanent residents who leave the country for more than 180 days per year from the date of their obtaining the migratory status during the first two years, shall be sanctioned with four basic unified wages. In case of relapse within the same period of time, the migration status will be lost. Permanent residents who, after the first two years are elapsed, leave the country for five years or more without coming back to Ecuador shall lose the residence.
9. Employers who fail to affiliate migrant workers or fail to pay them at least the basic wage established by the ruling labor authority, shall be sanctioned with ten basic unified wages in case of natural persons, and fifteen basic unified wages, in case of juridical persons.

Art. 171. Administrative procedure for migratory infringements. The administrative procedures to sanction a migratory infringement, as well as the penalty collection process by the migration control authority, shall observe the due process and in accordance with the provisions of the law that governs administrative procedures.

GENERAL PROVISIONS

ONE. The Ecuadorian State, according to the need, shall promote information campaigns for South American citizens to legalize their migratory status.

TWO. All Ecuadorian citizens by birth who have carried out the procedure to renounce the Ecuadorian nationality before the current Constitution of the Republic entered in force, may recover it through a summary proceeding in accordance with the regulation to this Law.

THREE. Public officers shall be trained on the procedures set forth in this Law and its regulation.

FOUR. Persons in human mobility shall access to the specific rights established in the current legal system, and the specific rights set forth in this Law.

SINGLE AMENDING PROVISION

Replace article 62 of the Organic Foreign Service Law shall be replaced with the following article:

“Art. 62. The consular offices of the Ecuadorian State shall be created in accordance with the 1963 Vienna Convention on Consular Relations and the internal regulations issued by the foreign affairs authority to this end.

Consular offices are:

- a) General consulates;
- b) Consulates;
- c) Vice consulates; and
- d) Consular agencies.

These units may also provide services through virtual mechanisms and mobile consulates.

TRANSITORY PROVISIONS

ONE. The President of the Republic shall issue the regulation to this Law within 120 days. Until the regulation to this Law is issued, enforcement shall take place in the most favorable way to people in human mobility and no institution shall suspend services.

TWO. The human mobility, migration control authority, and other public entities related to human mobility shall have a 90-day term as of the entrance in force of the regulation to this Law to issue secondary regulations that guarantee an effective compliance with its rules.

THREE. All administrative procedure related to human mobility begun before this Law entered in force shall be resolved in accordance with the current regulation at the time of substantiating such procedure. The rules of this Law shall apply provided they are more favorable to rights.

FOUR. All visas shall remain effective as established on the former typology of this Law and upon their renewal they shall be changed to the new migration category and corresponding visas. In the case of permanent residence, it shall be acknowledged with the same characteristics as the permanent residence condition established in this Law.

FIVE. The returned Ecuadorian community that arrived to Ecuador since 2007 shall have a term of 180 days as of the enactment of this Law to submit the petition for acknowledgment and to have access the benefits and incentives granted by this Law in the national territory, except for programs aimed to household goods and repatriation of bodies and mortal remains.

SIX. The National Integrated Information System on Human Mobility shall be created in a maximum term of 180 days.

SEVEN. Refugee applications performed prior to the issue of Executive Decree No. 1182 dated on May 30, 2012, may be resolved by the human mobility authority in accordance with the regulations of this Law.

ANNULLING PROVISIONS

SINGLE PROVISION. All legal rules of equal or higher hierarchy that oppose and are inconsistent with the provisions of this Law shall be annulled. In particular, the following is annulled:

Law on Travel Documents, its codings and regulation; Law on Naturalizations, its codings and regulation; Act on Foreigners, its codings and regulation; and Migration Law, its codings and regulation.

Final Provision. This Law shall become effective as of its publication with the Official Registry.

Given and signed at the seat of the National Assembly, located in the Metropolitan District of Quito, province of Pichincha, on this the 5th day of January, 2017.

/s/ DR. ROSANA ALVARADO CARRIÓN First Vice President holding the Presidency, a.i. /s/
DR. LIBIA RIVAS ORDOÑEZ General Secretary

BARCELONA, KINGDOM OF SPAIN, ON THIS THE 28TH DAY OF JANUARY, 2017. TO BE EXECUTED AND ENACTED.

/s/ Rafael Correa Delgado
CONSTITUTIONAL PRESIDENT OF THE REPUBLIC