

“Humanitarian Corridors”: A Legal Scheme to Deter Venezuelans from Entering Ecuador?

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Abstract

This article analyzes the so-called “humanitarian corridors” put in place by the Ecuadorian government as part of a domestic policy to move Venezuelan migrants out of Ecuador. Within this context, the author examines the concept of the humanitarian corridor from the perspective of international law, and demonstrates that Ecuador’s corridors did not serve the purpose for which they were allegedly created.

Keywords: humanitarian corridor, immigrants, refugees, Venezuelans, immigration policy

I INTRODUCTION

The issue of migration has been a recent subject of debate both nationally and internationally. In the second half of 2022, for example, the governors of Texas and Florida began to transport newly arrived undocumented immigrants to “sanctuary cities”¹ in New York, Illinois, Massachusetts, and other states. The US border states have assumed the socioeconomic burden of these moves, with Republican Governor Greg Abbott of Texas characterizing his state’s program to relocate illegal migrants as part of a broader effort to control the unprecedented influx of migrants at the Texas-Mexico border.² Outside of the United States, in contexts of war, the safe passage of civilians has been a central theme in Russia’s ongoing invasion of Ukraine, and the international community has lodged numerous appeals for the creation of humanitarian corridors during the continuing Israel-Hamas war to limit civilian harm as the crisis worsens.

Ecuador, the focus of this article, has assumed a significant role in its own region’s evolving mobility trends.³ More specifically, this article will analyze actions taken by the Ecuadorian government, at least from 2018 to 2019, concerning the relocation of Venezuelans out of Ecuador. The primary aim will be to ascertain whether the Ecuadorian government established “humanitarian corridors” during this time as it has claimed. To accomplish this goal, the article proceeds as follows. First, it examines data on Venezuelan emigration to gain insight into the timing and reasons behind the migration of that country’s citizens. Next, it explores the origins and evolution of the humanitarian corridor concept. Finally, the article unveils details of the legal framework in place for Venezuelan migrants in Ecuador and ends with a brief analysis and concluding remarks.

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¹ See Jessica M. Vaughn and Bryan Griffith, “Map: Sanctuary Cities, Counties, and States,” Center for Immigration Studies, last updated Dec. 22, 2023, <https://cis.org/Map-Sanctuary-Cities-Counties-and-States>.

² See J. Goodman, “Texas Has Bused 50,000 Migrants. Now it Wants to Arrest Them Instead,” *New York Times* (Oct. 18, 2023), <https://www.nytimes.com/2023/10/18/us/migrants-buses-texas-abbott.html>.

³ Brad D. Jokisch, “Ecuador Juggles Rising Emigration and Challenges Accommodating Venezuelan Arrivals,” Migration Policy Institute (Oct. 18, 2023), <https://www.migrationpolicy.org/article/ecuador-migration-trends-emigration-venezuelans>.

II RELEVANT INFORMATION ABOUT VENEZUELAN EMIGRATION

According to Raquel Álvarez, from the beginning of the twentieth century through the late 1970s, Venezuela was attractive to immigrants from all over the world because of the opportunities presented by its flourishing petroleum industry.⁴ However, the poor performance of Venezuela's economy and the decline of petroleum revenues in the 1980s, among other factors, led to the slow return of immigrants to their respective countries.⁵

From about 2000 to 2010, Venezuelans began emigrating out of the country because they felt threatened by the policies implemented by Hugo Chávez, who began his presidency in 1999.⁶ Emigration reached its peak after Nicolás Maduro came into power in 2013.⁷ In the last decade, Venezuela has seen a reduction in the total number of its inhabitants,⁸ with the emigration of its nationals being one of its causes.⁹ Upon analyzing data gathered by the Interagency Coordination Platform for Refugees and Migrants (R4V) from Venezuela, it is evident that Venezuelans have migrated mainly within South America because of geographical proximity.¹⁰ Interestingly, Colombia, Peru, Ecuador, Chile, Brazil, and Argentina are among the countries in the world that host the highest numbers of Venezuelan immigrants.¹¹

For logical reasons, many of these migrants have specifically chosen countries with stable economies. However, some have not taken this last variable into account; many have just wanted to leave Venezuela.¹² To reach destinations farther south than Colombia, Venezuelans must first arrive in Ecuador. Ecuador is located in the northwest part of South America, bordered by Colombia to the north, Peru to the south and east, and the Pacific Ocean to the west.¹³

Before 2015, Ecuador had not experienced a significant influx of foreign immigrants into its territory. However, a substantial number of Venezuelan immigrants arrived in 2015 and during the subsequent two years, prompting Ecuadorian executive officials to take legal measures aimed at mitigating the number of Venezuelan immigrants arriving in Ecuador.¹⁴

III THE CONCEPT OF THE HUMANITARIAN CORRIDOR

To analyze the Ecuadorian executive's actions, it is first useful to trace the origins of humanitarian corridors and derive a current definition of the concept. The latter is not a simple task, as its usage has been inconsistent.

The word "corridor" alludes to the Latin word *currere*, which means to run. In its modern quotidian definition, a corridor means a narrow passage. The origins of humanitarian corridors in the legal context can be traced back to the Second World War when the Allied forces relocated massive groups of civilians for their own safety

⁴ Raquel Álvarez de Flores, "Evolución Histórica de las Migraciones en Venezuela," *Aldea Mundo* 11, no. 22 (Nov. 2006–Abr. 2007): 89–93.

⁵ *Ibid.*

⁶ Newsweek Staff, "Hugo Chavez is Scaring Away Talent," *Newsweek* (June 15, 2019), <https://www.newsweek.com/hugo-chavez-scaring-away-talent-80337>.

⁷ Luisa Freier and Nicolas Parent, "The Regional Response to the Venezuelan Exodus," *Current History* 118, no. 805 (2019): 56–61.

⁸ "Venezuela Population 1950–2024," Macrotrends, accessed Jan. 15, 2024, <https://www.macrotrends.net/countries/VEN/venezuela/population>.

⁹ "Venezuela Immigration Statistics 1960–2024," Macrotrends, accessed Jan. 15, 2024, <https://www.macrotrends.net/countries/VEN/venezuela/immigration-statistics>.

¹⁰ "Refugees and Migrants from Venezuela," R4V, last updated Nov. 30, 2023, <https://www.r4v.info/en/refugeeandmigrants>.

¹¹ *Ibid.*

¹² Sandro Pirovino and Elissaios Papyrakis, "Understanding the Global Patterns of Venezuelan Migration: Determinants of an Expanding Diaspora," *Development Studies Research* 10, no. 1 (2023): 2147561, <https://doi.org/10.1080/21665095.2022.2147561>.

¹³ *Encyclopedia Britannica*, s.v. "Ecuador," by Homero Pozo Vélez, Murdo J. MacLeod, and Gregory W. Knapp, last updated Jan. 13, 2024, <https://www.britannica.com/place/Ecuador>.

¹⁴ Jaques Ramírez, Yoharlis Linares, and Emilio Useche, "(Geo) Políticas Migratorias, Inserción Laboral y Xenofobia: Migrantes Venezolanos en Ecuador," in *Después de la Llegada. Realidades de la Migración Venezolana*, coor. Cécile Blouin (Lima, Perú: Themis-PUCP, 2019), <https://www.aacademica.org/jacques.ramirez/22>.

(i.e., Operations Kindertransport and Pied Piper).¹⁵ As Maelle L’Homme points out, corridors can serve to evacuate and repatriate the population. For example, this occurred when the Tutsi rebels agreed to create a corridor for Rwandan Hutu refugees and Zairians trapped by fighting in eastern Zaire in 1996.¹⁶ Humanitarian corridors were created (controversially) during the Syrian civil war and, as aforementioned, have taken center stage in the current wars between Russia and Ukraine and Israel and Hamas.

The first use of “corridor” in an official United Nations (UN) document was in a letter from the Permanent Representative of Czechoslovakia addressed to the UN Secretary-General in 1987. In this missive, the Czechoslovakian diplomat proposed creating a “free corridor” in part of both the now-extinct Czechoslovakia and German Democratic Republic to reduce the risk of war by removing nuclear weapons close to that area.¹⁷ In this context, the legal concept of a corridor is associated with a neutral strip of territory created to prevent conflict. Furthermore, during its forty-fifth session, the Third Committee of the UN General Assembly used the term “relief corridor” for the first time on November 1, 1990, alluding to the transport of supplies in the context of natural disasters.¹⁸ The idea behind this was to provide temporary aid to those who needed help and, at the same time, evacuate the population if needed.

Currently, the UN’s Office for the Coordination of Humanitarian Affairs (OCHA) defines humanitarian corridors as “[s]pecific routes and logistical methods agreed upon by all relevant parties to allow the safe passage of humanitarian goods and/or people from one point to another in an area of active fighting.”¹⁹ The International Committee of the Red Cross (ICRC) posits that humanitarian corridors result from temporary agreements between two parties involved in an armed conflict to safely evacuate not only the wounded but also civilians through a narrow geographic area.²⁰ Scholar Kenneth Chan Yoon Onn compares humanitarian corridors to demilitarized zones and points to rule 36 in the ICRC’s Customary Law database, which contains international law norms created through State practice.²¹ This aligns with the domestic cases described below.

Although the term “humanitarian corridor” in the international law typology currently seems to require the existence of an armed conflict, there is evidence that the term is evolving. A group of Slovenian scholars has written extensively on Slovenia’s experience in 2015 when it saw a large increase in migrant arrivals, many on their way to Western Europe. The Slovenian government’s response was to implement ad hoc rules that seemingly operated outside the frameworks of domestic, EU, and international law. The result was the creation of a *de facto* humanitarian corridor, which failed to meet the basic needs of the transitory migrants.²² Reflecting on this experience, Neža Kogovšek Šalamon concluded that “[t]he law should [...] be taken as a tool for managing mass migration flows, while at the same time as a tool for maintaining the rule of law and respect for human rights standards.”²³

Another example of the use of “humanitarian corridor” in the context of mass migration is found in Italy. There, the Rome-based Sant’Egidio religious community, in collaboration with other religious groups and the

¹⁵ Maelle L’Homme, “Humanitarian Corridors: Negotiated Exceptions at Risk of Manipulation,” *Journal of Humanitarian Affairs* 4, no. 1 (2022): 48–52.

¹⁶ *Ibid.*, 50.

¹⁷ Letter from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General, UN Doc A/42/333 (June 10, 1987).

¹⁸ United Nations General Assembly, Humanitarian Assistance to Victims of Natural Disasters and Similar Emergency Situations: Draft Resolution, UN Doc A/C.3/45/L.27 (June 1, 1990), <https://digitallibrary.un.org/record/101874?ln=en>.

¹⁹ United Nations Office for the Coordination of Humanitarian Affairs, “Glossary of Terms: Pauses During Conflict,” accessed Jan. 28, 2024, <https://www.unocha.org/sites/unocha/files/dms/Documents/AccessMechanisms.pdf>.

²⁰ “How Humanitarian Corridors Work to Help People in Conflict Zones,” International Committee of the Red Cross, June 3, 2022, <https://www.icrc.org/en/document/how-humanitarian-corridors-work>.

²¹ Kenneth Chan Yoon Onn, “The International Law of Protected Spaces and the Collapse of the Humanitarian Corridors in Ukraine,” *EJIL: Talk!* (Mar. 11, 2022), <https://www.ejiltalk.org/the-international-law-of-protected-spaces-and-the-collapse-of-the-humanitarian-corridors-in-ukraine/>.

²² Neža Kogovšek Šalamon, “Legal Implications of the ‘Humanitarian Corridor,’” in *Razor-Wired: Reflections on Migration Movements through Slovenia in 2015*, eds. Neža Kogovšek Šalamon and Veronica Bajt (Ljubljana, Slovenia: Peace Institute, 2016), 40, <https://www.mirovni-institut.si/en/publications/razor-wired-reflections-on-migrant-movements-through-slovenia-in-2015/>; see also Maja Ladic and Katarina Vucko, “Slovenia’s Response to Increased Arrivals of Refugees: We Don’t Want Them But We Also Don’t Understand Why They Don’t Want to Stay,” in *Razor-Wired*, 18–23.

²³ Šalamon, “Legal Implications,” 48.

Italian government,²⁴ has funded and coordinated a humanitarian corridor for selected migrants since 2016. The initiative has facilitated the legal entry of over 6,000 migrants to Italy.²⁵ Instead of exposing these people to risks associated with their journeys across the Mediterranean Sea, they have been compassionately granted humanitarian visas, and the program “connects every migrant to a personalized social inclusion programme,” which provides access to education, language training, and job matching.²⁶ Italian authorities have expressed their desire that “the country’s humanitarian corridor project could be replicated by other countries.”²⁷

From a universal perspective, on September 19, 2016, the UN General Assembly adopted the New York Declaration for Refugees and Migrants, which urges States to address the challenges posed by large movements of refugees and migrants “demonstrate[ing] full respect for international law and international human rights law and, where applicable, international refugee law and international humanitarian law.”²⁸

The above examples suggest that a broader definition of “humanitarian corridor” is emerging and can now be extended to cases of mass migration. Thus, I consider it necessary that four conditions be met for the establishment of a humanitarian corridor. Specifically, the corridor

- must protect people who are in a vulnerable condition;
- must ensure people’s safety and welfare;
- must facilitate the delivery of humanitarian aid; and
- must respect international law and human rights law.

Accordingly, a “humanitarian corridor” can currently be defined as a designated geographic area for people affected by armed conflicts, natural disasters, or mass migrations. The humanitarian corridor grants temporary passage to individuals and provides essential supplies within confined limits, ensuring the migrants’ safety and well-being while complying with international law and human rights law.

IV ECUADOR’S LEGAL FRAMEWORK FOR THE IMPLEMENTATION OF A “HUMANITARIAN CORRIDOR”

Lacking the legal basis to deal with immigration and realizing it was becoming a central issue in Ecuador, the government began building a legal framework around immigration. In January 2017, Congress passed the Organic Statute of Human Mobility (*Ley Orgánica de Movilidad Humana*) to regulate the rights, obligations, institutions, and mechanisms linked to people in a stage of human mobility, including emigrants, immigrants, people in transit, human trafficking victims, etc.²⁹ This statute entitles the Ecuadorian government to establish administrative offenses and impose fines for the performance of activities other than those allowed by a visa or migratory category.³⁰ A regulation would later establish the procedure for collecting fines.³¹

This framework also encompasses ministerial agreements (*acuerdos ministeriales*) primarily promulgated by the Ministry of Interior and the Ministry of Foreign Affairs and Human Mobility (MFAHM). The Ministry of Transport and Public Works (MTPW) and the Risk Management Secretariat (RMS) further contribute to this legal structure in the form of administrative resolutions (*resoluciones*) as explained below.

²⁴ Sant’Egidio, Humanitarian Corridors, accessed Jan. 28, 2024, <https://www.santegidio.org/pageID/30112/langID/en/fromDate/01%252F01%252F2016/tags/1568/Humanitarian-Corridors.html>; see also “Humanitarian Corridors in Italy: A Legal and Safe Alternative,” accessed Jan. 28, 2024, <https://raisd-h2020.eu/project/humanitarian-corridors-in-italy-a-legal-and-safe-alternative/>.

²⁵ Sant’ Egidio, “Humanitarian Corridors.”

²⁶ Alberto Brugnoli and Matteo Matteini, “Italy as a Gateway to Europe for African Migration: How to Deal with the Doll’s House Effect?” *Regional Science Policy & Practice* 10, no. 4 (2018): 253–68, <https://www.sciencedirect.com/science/article/pii/S1757780223003207>.

²⁷ United Nations, “General Assembly Adopts Declaration for Refugees and Migrants, as United Nations, International Organization for Migration Sign Key Agreement,” UN Doc GA/11820 (Sep. 19, 2016), <https://press.un.org/en/2016/ga11820.doc.htm>.

²⁸ United Nations General Assembly, New York Declaration for Refugees and Migrants, UN Doc A/71/L.1 (Sep. 19, 2016), https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_1.pdf.

²⁹ Ley Orgánica de Movilidad Humana, Asamblea Nacional, *Registro Oficial* no. 938 - Suplemento, Feb. 6, 2017.

³⁰ *Ibid.*, art. 170.

³¹ Acuerdo 907, Establécese el Procedimiento para la Aplicación de la Disposición contenida en el Régimen Sancionatorio de la Ley Orgánica de Movilidad Humana y su Reglamento, en Relación al Cobro de Multas por Faltas Migratorias, Ministerio del Interior, *Registro Oficial* no. 229, Apr. 25, 2018.

4.1 State of Emergency Declaration

In 2018, for the first time, the Ecuadorian government imposed restrictions on Venezuelans' free movement into and within Ecuador. The legal justification for taking this action was the significant increase in the number of Venezuelans arriving in Ecuadorian territory during the first half of that year. Previously, Venezuelans could enter the country showing only their national identification documents.

The specific legal basis for the implementation of "humanitarian corridors" in Ecuador can be traced to administrative Resolution no. 000152 of August 9, 2018.³² This regulation was issued by the Vice-Ministry of Human Mobility (VNHM) as the government entity in charge of regulating the entry, transit, stay, departure, and return of persons with the status of human mobility from or to Ecuadorian territory.³³ Under this resolution, states of emergency were declared in the provinces of El Carchi (bordering Colombia), El Oro (bordering Peru), and Pichincha (located in north-central Ecuador).³⁴

Moreover, Resolution no. 000152 instructed the Ecuadorian executive to establish a contingency plan to take all necessary actions to provide Venezuelan migrants with *humanitarian attention*.³⁵ In addition, the resolution ordered government entities to address adverse situations that could occur due to the unusually large migratory flow of Venezuelans.³⁶ To accomplish this, the Ecuadorian government authorized fiscal spending.³⁷ For instance, the RMS issued Resolution no. SGR-0105-2018 to tackle the economic implications of the situation.³⁸

As part of this contingency plan, the government created what it called a "humanitarian corridor" (*corredor humanitario*).³⁹ The implementation of this corridor included the Ecuadorian government's assumption of the costs of buses used to transport arriving Venezuelans so they could pass through and arrive in Peru (a twenty-hour trip).⁴⁰ In the Ecuadorian government's words, the "humanitarian corridor" served to provide free bus transportation to Venezuelan citizens in vulnerable conditions—from Ecuador's northern borders at Rumichaca (Province of Carchi) and San Miguel (Province of Sucumbíos), to the southern border town of Huaquillas. This corridor was allegedly created to facilitate migration from Venezuela to Peru, guaranteeing Venezuelans a safe and secure transit through Ecuador.⁴¹ At that time, the head of the RMS claimed a "humanitarian corridor" was established because Venezuelans have Peru or Chile as their final destination.⁴² For his part, the Vice-Minister of Migration stated that the Ecuadorian government had created an integrated policy that reflected the generosity of the Ecuadorian people.⁴³ The program operated under the MTPW's supervision.⁴⁴

³² Resolución no 000152, Viceministerio de Movilidad Humana, Aug. 9, 2018, https://www.cancilleria.gob.ec/wp-content/uploads/2020/07/resolucion_152_estado_de_emergencia_2018.pdf.

³³ Ibid., ¶ 4 of the Preamble.

³⁴ Ibid., art. 2.

³⁵ Ibid. (emphasis added). I highlight "humanitarian attention" here because this work's focus is to determine whether Ecuador's actions sought to promote the welfare of Venezuelan migrants.

³⁶ Ibid., art. 3.

³⁷ Ibid., art. 7.

³⁸ Resolución no. SGR-0105-2018, Declaratoria de Emergencia Debido al Incremento del Flujo Migratorio de Ciudadanos Venezolanos, Secretaria General de Riesgo, Aug. 9, 2018, <https://www.gestionderiesgos.gob.ec/wp-content/uploads/downloads/2018/08/Resoluci%C3%B3n-No.-SGR-105-2018.pdf>.

³⁹ Plan Integral para la Atención y Protección de Derechos en el Contexto del Incremento del Flujo Migratorio Venezolano en Ecuador, Ministerio de Relaciones Exteriores y Movilidad Humana, Sep. 2018, <https://www.cancilleria.gob.ec/wp-content/uploads/2020/07/ANEXO-1-Plan-Integral-atencio%CC%81n-ciudadanos-venezolanos.pdf>.

⁴⁰ Ibid., 61.

⁴¹ Ibid., 63.

⁴² Reuters, "Ecuador Abre Corredor Humanitario para Movilizar a Venezolanos, Anuncia Salida del ALBA," *Yahoo Noticias*, Aug. 23, 2018, <https://es-us.noticias.yahoo.com/ecuador-abre-corredor-humanitario-para-movilizar-venezolanos-anuncia-225042045.html?guccounter=1>.

⁴³ "El Gobierno de Ecuador Extendió el Estado de Emergencia por la Migración Venezolana," *Infobae*, Sep. 29, 2018, <https://www.infobae.com/america/venezuela/2018/09/29/el-gobierno-de-ecuador-extendio-el-estado-de-emergencia-por-la-migracion-venezolana/>.

⁴⁴ Ibid., 37.

According to different sources, Ecuador created the so-called “humanitarian corridors,” which operated under police custody, twice—between August 20, 2018, and August 30, 2018, and between June 10, 2019, and June 14, 2019.⁴⁵ The dates are approximate because official information is either scarce or contradictory.

4.2 Other Relevant Ecuadorian Legal Measures

Besides the aforementioned Organic Statute of Human Mobility and Resolution no. 000152, the Ecuadorian government took four other measures to discourage Venezuelans from entering Ecuador, which are listed and discussed below.

1. Through ministerial Agreement no. 242, of August 16, 2018, the Ecuadorian government required all Venezuelans traveling to Ecuador to have a passport valid for at least six months beyond the date of their arrival, starting on August 18, 2018 (a Venezuelan identity card was no longer sufficient).⁴⁶ This created a barrier for Venezuelans due to the cost and time needed to obtain a passport. However, on August 24 of the same year, an Ecuadorian court stayed the order because it denied Venezuelans the right to migrate.⁴⁷ Peru also required Venezuelans to have a valid passport to enter its territory, beginning on August 25, 2018.⁴⁸
2. Given the serious legal challenges the Ecuadorian judiciary raised regarding the passport requirement, the executive branch promptly responded by requiring that Venezuelans present a certified identification card to enter Ecuador. The intent of this measure was also to make immigration more difficult because of the cost and required paperwork. The measure was applied immediately.⁴⁹
3. Next, through an interministerial agreement, Venezuelan nationals entering Ecuador were required to present a criminal record certificate upon arrival, beginning January 21, 2019.⁵⁰ This was another restriction, similar to those described above. The measure was challenged before the Ecuadorian Constitutional Court, which suspended it two months later because the measure could heighten migrants’ chances of becoming victims of abuse and/or human rights violations.⁵¹
4. Finally, on August 26, 2019, President Lenín Moreno, through executive Decree no. 0826, implemented an even stricter requirement for incoming Venezuelans. Besides a valid passport, Venezuelans now

⁴⁵ Various Peruvian and Ecuadorian sources provide this information. See, e.g., “Ecuador: 250 Venezolanos Son Traslados Gratis Hasta Frontera con el Perú,” *El Comercio*, Aug. 23, 2018, <https://elcomercio.pe/mundo/latinoamerica/ecuador-250-venezolanos-son-trasladados-gratis-frontera-peru-fotos-noticia-549612-noticia/?ref=ecr>; EFE, “Venezolanos se Agolpan en Frontera de Ecuador para Llegar a Perú,” *Listin Diario*, June 13, 2019, <https://listindiario.com/las-mundiales/2019/06/13/569818/venezolanos-se-agolpan-en-frontera-de-ecuador-para-llegar-a-peru>.

⁴⁶ Acuerdo 000242, Ministerio de Relaciones Exteriores y Movilidad Humana, Establécese Como Requisito Previo al Ingreso a Territorio Ecuatoriano la Presentación del Pasaporte con una Vigencia Mínima de Seis Meses Previa a su Caducidad a los Ciudadanos de la República Bolivariana de Venezuela, a Partir del 18 de Agosto de 2018, *Registro Oficial* no. 328, Sep. 17, 2018.

⁴⁷ Natalia Plazas, “Ecuador: Un Tribunal Anuló la Solicitud de Pasaporte a Venezolanos,” *France 24*, Aug. 25, 2018, <https://www.france24.com/es/20180825-ecuador-peru-venezuela-pasaporte-migrantes>.

⁴⁸ “Perú exigirá Pasaporte a Venezolanos desde el 25 de Agosto,” *Andina*, Aug. 17, 2018, <https://andina.pe/agencia/noticia-peru-exigira-pasaporte-a-venezolanos-desde-25-agosto-721328.aspx>.

⁴⁹ Acuerdo Ministerial no. 244, Ministerio de Relaciones Exteriores y Movilidad Humana, Dispónese que el Ingreso de Ciudadanos Venezolanos que Deseen Utilizar no un Pasaporte sino su Cédula de Identidad para Entrar en el Territorio del Ecuador a Través de los Puntos Autorizados por la Ley, se Verificará Cumpliendo con la Validación de Dicho Documento de Identidad, *Registro Oficial* no. 332, Sep. 21, 2018.

⁵⁰ Acuerdo Interministerial no. 0000001, Requírese a los Ciudadanos Venezolanos que Deseen Ingresar a Territorio del Ecuador, además de los Documentos Establecidos en el Acuerdo Ministerial no. 244, de 22 agosto de 2018, la Presentación del Certificado de Antecedentes Penales del País de Origen, o del País de Residencia Durante los últimos Cinco Años, Debidamente Apostillado o Legalizado, Ministerio de Relaciones Exteriores y Movilidad Humana – Ministerio del Interior, *Registro Oficial* no. 414 – Segundo Suplemento, Jan. 25, 2019. Some exceptions were allowed; see Acuerdo Interministerial no. 0000003, Ministerio de Gobierno - Ministerio de Relaciones Exteriores y Movilidad Humana. *Registro Oficial* no. 17 - Suplemento, Aug. 14, 2019.

⁵¹ Corte Constitucional del Ecuador, Case no. 0014-19-IN, Feb. 27, 2019, <http://doc.corteconstitucional.gob.ec:8080/alfresco/d/d/workspace/SpacesStore/327ea82c-7604-4a52-8261-8a189c85b1bf/0014-19-in-auto>.

needed a humanitarian visa (granted by the Ecuadorian government) to reside in Ecuador,⁵² mirroring what the Peruvian government had done on June 15, 2019. The requirement of a criminal record certificate issued in Venezuela was also reinstated later and became necessary for obtaining an Ecuadorian humanitarian visa.

4.3 The Real Nature of Ecuador's "Humanitarian Corridors"

An assessment of Ecuadorian legislation and the executive branch's actions related to the creation of "humanitarian corridors" demonstrates that the Ecuadorian government wanted Venezuelans out of Ecuador. With regard to the first corridor, free bus rides were first offered on August 20, 2018, the date when the number of Venezuelans entering Ecuador dropped drastically because of the valid passport requirement implemented on August 18, 2018. The primary objective behind the Ecuadorian government's creation of this so-called "humanitarian corridor" was to remove Venezuelans who, planned or not, would otherwise have remained in Ecuador because of the same passport requirements that the Peruvian government put in place on August 25, 2018. At that time, around 3,000 Venezuelans were arriving daily at the Colombia-Ecuador border,⁵³ which provides an idea of the number of people transported on the free buses.

The second time the Ecuadorian government created a corridor for "humanitarian purposes" was a few days before June 15, 2019, the date that Peruvian officials began requiring Venezuelans to possess a humanitarian visa (issued by Peru) to enter its territory.⁵⁴ At that time, Ecuador reinstated the "humanitarian corridor" so Venezuelans could enter Peru before the deadline. In peak days, around 8,000 Venezuelans were crossing the Colombia-Ecuador border daily.⁵⁵ This was again a disguised expulsion of Venezuelans. Without the free rides, many Venezuelans would have remained on Ecuadorian soil. By June 2019, according to R4V, more than 250,000 Venezuelans were residing in Ecuador.⁵⁶ This means that at least a small percentage of the newcomers already had a connection with Ecuador. Furthermore, Venezuelans viewed Ecuador as an attractive destination at that moment—one possible reason being that Ecuador's official currency is the US dollar, which makes the country more economically stable. There were also reliable reports in 2019 that supported the contention that Ecuador was not only a country of transit but also a destination for Venezuelans,⁵⁷ contradicting what Ecuadorian authorities have said in this regard; indeed, until August 2018, 18% of Venezuelans who arrived on Ecuadorian soil decided to stay.⁵⁸ It is also noteworthy that testimonies of some of the alleged "beneficiaries" of these corridors clearly disagreed with the Ecuadorian policy, indicating that they were forced out of the country: "Instead of paying for our bus tickets, the Ecuadorian government should have helped us settle down in the country," some complained.⁵⁹

After analyzing the true nature of the corridors that the Ecuadorian government created, one thing is clear; "humanitarian corridors" were part of a broad governmental policy targeting Venezuelans, forcing them out of the

⁵² Acuerdo Ministerial no. 0000103, Otórguese la Visa de Residencia Temporal de Excepción, por razones humanitarias, en el marco del proceso de amnistía migratoria dispuesta mediante Decreto Ejecutivo no. 826 de 25 de julio de 2019, Ministerio de Relaciones Exteriores y Movilidad Humana, *Registro Oficial* no. 5 – Segundo Suplemento, July 26, 2019.

⁵³ Sara España, "Ecuador restringirá la entrada de Venezolanos por la llegada de 4.000 al día," *El País*, Aug. 18, 2018, https://elpais.com/internacional/2018/08/17/actualidad/1534500798_245140.html.

⁵⁴ "Crisis de Venezuela: En qué Consiste la Visa Humanitaria que Pide Perú a los Venezolanos y por qué Genera Polémica," *BBC*, June 16, 2019, <https://www.bbc.com/mundo/noticias-america-latina-48651272>.

⁵⁵ "Ecuador Reporte Operacional – Junio 2019," R4V, June 2019, <https://www.r4v.info/sites/default/files/2021-06/%5BCLEAN%5D%20Informe%20de%20Situaci%C3%B3n%20GTRM%20%28Junio%202019%29%20ESP.pdf>.

⁵⁶ "Refugees and Migrants from Venezuela," R4V, accessed Jan. 9, 2024, <https://www.r4v.info/en/refugeeandmigrants>.

⁵⁷ "Regional Refugee And Migrant Response Plan for Refugees and Migrants from Venezuela January–December 2019," R4V, accessed Feb. 4, 2024, https://www.iom.int/sites/g/files/tmzbd1486/files/press_release/file/rmrp_venezuela_2019_onlineversion_final.pdf.

⁵⁸ "El Gobierno de Ecuador Extendió el Estado de Emergencia por la Migración Venezolana," *Infobae*, Sep. 29, 2018, <https://www.infobae.com/america/venezuela/2018/09/29/el-gobierno-de-ecuador-extendio-el-estado-de-emergencia-por-la-migracion-venezolana/>.

⁵⁹ France 24 Español, "Venezolanos Viajan rumbo a Perú en 36 Buses Fletados por Ecuador," *France 24*, Aug. 24, 2018, video, 1:50, <https://www.youtube.com/watch?v=G0nVmwm59lk>.

country. Regrettably, Ecuadorian officials characterized this policy as a demonstration of the Ecuadorian people's generosity. Indeed, Christiaan Beyers and Esteban Nicholls's assertion "that the state's [Ecuador's] apparatuses have been geared up to strategically configure a specific result: herding Venezuelans out of the country" is unquestionably accurate.⁶⁰

4.4 Analysis and Conclusions

The intended objectives of a humanitarian corridor are largely contingent on the context in which the corridor is implemented. A review of the use of the term indicates that, although it has historically been associated with armed conflicts (and natural disasters), its definition is expanding to include mass migrations. In their true form, humanitarian corridors are vital to safeguard the lives of migrants by guaranteeing their security and providing them with humanitarian aid.

In the Ecuadorian case, the government created the necessary domestic norms to transport Venezuelans from border to border, but its use of the term "humanitarian corridor" to describe this action was inaccurate and deceptive. In general, the Ecuadorian government's action only prolonged the migrants' incertitude, increased their hardships, and failed to recognize the danger of refoulement and the benefits of remaining in Ecuador.

⁶⁰ Christiaan Beyers and Esteban Nicholls, "Government Through Inaction: The Venezuelan Migratory Crisis in Ecuador," *Journal of Latin American Studies* 52, no. 3 (2020): 633–57.