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‘CON LOS BRAZOS ABIERTOS’: VENEZUELAN MIGRATION AND THE
HUMANITARIAN STATE UNDER ECUADOR’S MORENO ADMINISTRATION

By
Madeline A. Cook

A thesis presented in partial fulfillment of the requirements for completion
of the Bachelor of Arts degree in International Studies

Croft Institute for International Studies
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ABSTRACT

In its 2008 Constitution, Ecuador enshrined radically inclusive principles of universal citizenship and legal protections for migrants, written in a moment of historic Ecuadorian emigration. Yet in the wake of the Venezuelan migrant crisis and President Lenin Moreno's shift towards austerity, how has his administration (2017-2021) responded to the Venezuelan migration in policy and in political discourse? Through an analysis of legal documents including ministerial agreements, legislation, executive decrees, and the VERHU visa, this paper outlines a pattern of legal restrictions levied on Venezuelan migrants. Additionally, this paper employs a qualitative content analysis of the Moreno administration's political discourse, including state actors' speeches, interviews and tweets discussing Venezuelan migrants. I found that the Moreno administration uses logics of "control in order to protect" in justifying legal restriction to Venezuelan migrants' entry to Ecuador, and in public discourse, the state frames Venezuelan migrants as victims of a despotic Maduro regime and recipients of Ecuadorian benevolence, thus constructing Ecuador as a 'humanitarian state' in public imagination. When there are points of divergence from this characterization of vulnerable migrants in moments of violence, actors employ criminalizing language but preserve a distinction for an 'innocent' Venezuelan migrant, too. Through a migration management perspective, I conclude that humanitarian rhetoric is invoked to cloak legal restrictions while maintaining the appearance of Ecuador as a humanitarian state.

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CHAPTER I: INTRODUCTION

In 2008, Ecuador was the first nation in the world to explicitly include migrants as a protected class in its progressive new constitution, which delineated the inherent right to migration, promoted the concept of universal citizenship, and enshrined the same rights for citizens and non-citizens alike. In January 2017, Ecuador's legislative body passed the Law of Human Mobility which further promised ideals of universal citizenship and free movement, and broadly defined forced displacement to the benefit of those fleeing generalized violence. On paper, the state's protections are robust.

When I lived in Quito this past academic year, August 2019 to March 2020, an emerging dynamic clearly challenged these progressive migration ideals. Between 2015 and 2020, more than 1.7 million Venezuelans entered Ecuador, with approximately 377,000 settling in the country; in 2019, approximately 2,000 Venezuelans entered Ecuador each day. International migration agencies such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) estimate 5.4 million Venezuelans have left Venezuela as a result of deep economic, political and social turmoil in the country, with roughly 4 million staying in the region, walking hundreds of miles along highways with few possessions. In Quito, I frequently saw buskers with woeful signs and songs about Venezuela crowding stop-lights and

bus-stations. Even the kindest members of my host-family blamed everything from the rise in petty crime to the October 2019 protests on ‘infiltrating’ Venezuelan migrants. For this highly visible, highly vulnerable population, human rights and universal citizenship seemed to be the last thing on anyone’s mind.

This research study explores Ecuador’s migration policy in the face of immense Venezuelan migration, how Venezuelan migrants are constructed in the national narrative, and how the Lenín Moreno administration (2017-2021) frames both the migrants and themselves as Ecuadorians. The primary research question is: How has the Moreno administration responded to the Venezuelan migrant crisis in policy and in political discourse? I break this down into two sub-questions: 1) What legal and policy changes have taken place under the Moreno administration with regard to Venezuelan migration?; 2) How does the political discourse of the Moreno administration construct Venezuelan migrants in the national imagination?

Ecuador is a particularly interesting case for the study of discourse and policy implementation because the robust protections contained in the 2008 Constitution and the governing migration legislation were deeply influenced by the discursive construction of Ecuadorian migrants in the national imagination. Margheritis (2011) explains that concern for migrants in the Constitution stems from a particular context for Ecuadorians, for in the era of its drafting the country was hemorrhaging workers, with up to 20% of the population emigrating to Spain and the United States in the early 2000s in response to enormous financial crisis and the dollarization which rendered many families destitute. In this time, new president Rafael Correa infused migrant issues into his political discourse and promised to be “the migrant’s government,” constructing and courting a growing diaspora who suffered their own discrimination and precarity as migrants. In this context, the Constitution included aspirational promises that would encompass

not only migrants into Ecuador but also send a statement about the treatment warranted for themselves. In 2017, the Asamblea Nacional, Ecuador's national legislative body, formally codified the promises of the constitution with the passage of the Ley de Movilidad Humana, just as Rafael Correa stepped away and his successor President Lenín Moreno took charge.

In considering the Moreno administration and its goals, some background information is critical. President Lenín Moreno served as Vice President to Correa between 2007 and 2013, during which time he was well known for his work investigating the conditions of and developing social programs for Ecuadorians with disabilities. When he ran in 2016, he was largely seen as the spiritual successor to the “Citizens’ Revolution” and leftist legacy of Correa. However, after eking out a narrow victory, Moreno made an abrupt about-turn and distanced himself from the policies of the former president by publicly denouncing Correa's actions as oversteps of power, lamenting enormous public debts, embracing neo-liberal austerity measures and signing an agreement with the International Monetary Fund (IMF), and improving relations with the United States. Though he continued his affiliation with Correa's party Alianza PAIS, the divide split its members and the party lost its majority in the Asamblea Nacional. While some scholars praise Moreno's administration as a return to liberal democracy, especially its protection of press freedoms (Wolff, 2018; Chiasson-LaBel, 2019), others say his austerity measures mark a definitive end to Ecuadorian post-neoliberalism. In October of 2019, a sudden end to the national oil subsidy sparked twelve days of national public transport strikes, spurred indigenous and labor mobilization and saw state repression of protesters that marred Ecuador's reputation for respect for human rights (Ponce et al., 2020). This research study contributes to understanding whether the Moreno administration's migration politics reflects a distancing from—or the ongoing validation of—Correa's ambitious political rhetoric regarding universal citizenship and the Ecuadorian diaspora.

Methodology

This thesis contains a literature review followed by two empirical chapters, answering the questions listed above. In my first empirical chapter, I examine a series of primary source documents including four ministerial agreements, Presidential Decree 826, filings from the Office of the Ombudsman, the Ecuadorian Constitutional Court's ruling on the ministerial agreements, and proposed amendments to the Ley de Movilidad Humana. I gathered these documents from the official government websites of their respective offices.¹ Through them, I have constructed a timeline that demonstrates a pattern of efforts by the Moreno administration to restrict Venezuelan entry couched in the language of protection.

In my second empirical chapter, I have conducted a qualitative content analysis of speech employed by the Moreno administration around Venezuelan migrants and the policies that affect them. I sought out what van Dijk calls governmental discourse, that is “text and talk of professional politicians or political institutions,” (Van Dijk, 1997, p. 12). In this case, I included formal speeches, interviews, and tweets of members of Lenín Moreno and his administration.²

I define “Moreno administration” to include Lenín Moreno, president of Ecuador, and the ministers most directly related to the shape of policy and law in this respect that began under his tenure. This includes the following administration leaders: Jose Valencia, Minister of the Ministry

¹ These offices include the Presidencia de la República de Ecuador (<https://www.presidencia.gob.ec/>); the Ministerio de Relaciones Exteriores y Movilidad Humana (<https://www.cancilleria.gob.ec/>); Defensoria del Pueblo (<https://www.dpe.gob.ec/>)

² I chose not to include a systematic survey of official Cancillería, also known as Ministry of Foreign Relations and Human Mobility, press releases in this project, as Claudia Donoso (2020) recently did so in her article on Ecuador's response to Venezuelan migration through a biopolitics lens.

of Foreign Affairs and Human Mobility (shortened hereafter to MRHMH for its name in Spanish)³ between June 2018 and July 2020; Luis Gallegos, Minister of the MRHMH July 2020 to present; and Carlos Alberto Velástegui, Viceminister of Human Mobility from August 2018 to present, and in charge of press for the visa of humanitarian exception.

Additionally, I have included selected language from María Paula Romo, Minister of the Interior between August 2018 and November 2020, and Minister of Telecommunications, Andres Michelena. While these two Ministers do not discuss Venezuelan migrants regularly enough to warrant a systematic investigation of all their speeches, interviews and tweets, each have made one-off comments on Venezuelan migrants that are worth examining. As high-level, public-facing members of the executive branch, their comments contribute to the larger corpus of the Moreno administration.

In order to access the data, I gathered texts directly from the archive of speeches of the website of the Ministry of Foreign Affairs and Human Mobility or the website of the Office of the President. I searched for and accessed interviews through newspapers, searches on the video-streaming site Youtube, and tweets on social media site Twitter. In my searches on Twitter, I employed key words such as “migración,” “venezolanos,” “migrantes” “visa de excepción por razones humanitarias” and “visa VERHU” on the accounts of relevant members of the Moreno administration. On Youtube, I combined these search terms with the names of aforementioned administration members, along with “entrevista,” and also watched interviews from the timeframe of major migration policy changes. Of course, not all of the results were relevant, and I selected the ones that fit the subject matter of the study. On all platforms, I limited my searches to the period

³ Ministerio de Relaciones Exteriores y Movilidad Humana; also known as Cancillería, or Chancellery. I use these interchangeably.

of the Moreno administration, from 2017, the beginning of his term, to January 2021, the time of writing.

In all, I draw from nineteen speeches, thirteen interviews, four press statements, and thirty-seven tweets. Once collected, I employed a qualitative content analysis of the texts and determined repeated themes, imagery, and patterns that characterized Venezuelan migrants in state officials' public discourse. Upon identifying relevant themes, I coded the documents by breaking up the text and pulling out key phrases and words that related to the larger theme, logging them in a table with speaker, date of emission, platform or medium, and context.

All translations included here are my own.

Argument

This thesis argues that the Moreno administration extols its benevolent migration politics and creates the image of Ecuador as a humanitarian state, while simultaneously restricting Venezuelans' mobility through covert bureaucratic and legal means. Throughout 2018 and 2019, the Moreno administration repeatedly imposed incremental restrictions on Venezuelans' entry, always couched in rights-centered language, yet in public text and talk emphasized the victimhood and precarity of Venezuelan migrants. This created a contradiction between political discourse framing Venezuelan migrants as weak and victims in need of protection—and the repeated legal attempts to slow Venezuelan entry. This practice of covert restriction allowed the Moreno administration to retain political capital based on its perception as a rights-centered state. This occurred as Moreno turned from the foreign policy of the Correa administration and shifted towards neoliberal austerity economic policies. This administration discourse created mutually reinforcing binaries: Venezuelan migrants as victims, and the Ecuadorian state as generous

protector; and the Maduro regime as authoritarian oppressor. The Moreno administration's emphasis on Venezuelans' rights rather than openly invoking securitization rhetoric affirms what scholars of Latin America and critical migration studies have identified as a "humanitarian turn." My argument relies on the theoretical frameworks of migration management and the "humanitarian government," that is, human rights centered language lends legitimacy to the state's control and ordering of migrant bodies in the name of protection.

Contribution to Scholarship

Beginning this project, I was interested in Ecuador's 2008 Constitution with extensive protections for migrants, lauded as some of the most inclusive legislation in the world for freedom of movement, and seeing how that framing grew, disappeared or evolved with both the transition from Rafael Correa to Lenín Moreno and the unprecedented Venezuelan migration. This project does not seek to provide a comparative analysis of the Correa and Moreno treatments of migrants, nor does it exhaust the new topics of Venezuelan migrant experience in Ecuador. Instead, I take up where these scholars left off and analyze some of the same issues such as discursive gaps, humanitarian framing and control, and migration management in a new era of Ecuadorian migration policy. This thesis is a descriptive project that explores the language and legal actions of the Moreno administration, and I do not seek to argue causal relationships, rather present empirical findings through a particular lens to better understand the Ecuadorian migration policy. The work adds to current research on the regional response to Venezuelan migration and on Ecuador's 'paradigmatic' policy gap. Furthermore, at the time of writing, very few scholars include the VERHU visa in their analysis, with the exception of Jaramillo and Santi (2021), and

this project's consideration of migration policy, national narratives in service of the state, and very recent events in Ecuador adds to existing literature on Ecuador.

Overview of the Thesis

This thesis is developed in five chapters. In my first chapter, I provide an introduction to Ecuador as a case and to the project as a whole. In my second chapter, I discuss the academic scholarship that serves as the theoretical basis of my analysis. In my third chapter, I examine the policy changes, decrees and proposed legislation reform that culminates in the implementation of the VERHU visa, establishing a pattern of restriction masked with rights-centered language. In my fourth chapter, I summarize my findings from my qualitative content analysis of the speeches, tweets and interviews I screened for discourse on Venezuelan migrants, and detail how this language works to construct Ecuador as a 'humanitarian state.' In my fifth chapter, I conclude my research and note room for future study.

CHAPTER II: LITERATURE REVIEW

Introduction

This literature review covers topics of general migration theory, migration management, regional migration governance, and my contribution to existing scholarship. I include these topics in order to first consider a broad theoretical conception of migration and what it means for the state, then lay out the theory of migration management, and finally a summary of what scholars have said about migration trends as a region, to situate Ecuador alongside its neighbors and its Latin American context. I also note how this research helps fill gaps that currently exist in this scholarship.

General Migration Theory

John Torpey, borrowing from Weber's famous quote on violence, said that modernity is characterized by the "state monopolization of the legitimate means of movement" (2000). Indeed, scholars have written about how mobile bodies and immigrants are inherently disruptive to the metaphorical understanding of the country as the 'body politic.' Any outside actor—capable of 'penetrating' the borders of the body politic— is associated with a danger to the homogeneity of the state, questioning a kind of implied dominance merely by being related to another state (Didier Bigo, 2002). Outsiders, beholden to another state, imaginatively penetrate borders and "question the fiction of modern sovereignty," (Agamben, 1997, p. 142).

Salter (2006) writes about how visa and passport systems allow migrants, who are hyper-aware of their status as international bodies, to access temporary membership in a community through adherence to a ‘confessionary regime.’ This first act of deference to the foreign state allows migrants to enter their own social contract with the state, where the sovereign determines political status and the migrant “may claim no rights but is still subject to the law, (pp. 168-171). Salter’s approach is helpful in thinking about how Ecuadorian bureaucratic governance such as the requirement of apostilled background checks or certifications of validity for documents are reflections of the state's power to order migrants.

Neoclassical migration theory provides some insight into the forces of migration. As de Jong and Fawcett (1981) and Bakewell (2010) point out, migration theory is heavily tied to concepts of agency, and generally does not offer explanations of forced migration, as those fleeing political or generalized violence are thought to lack the choices afforded to voluntary or labor migrants (Bakewell, 2010, p. 1680). There is a rich literature on the dichotomy between migrant and refugee in national imaginary, national news and media, and migrant jurisprudence, outlining the fetishization of a perceived “victim” refugee (Clavijo Padilla et al, 2018, p. 26; Kissová, 2017; Lawlor and Tolley, 2017; Lee and Nerghes, 2018).

Migration Management

My study draws heavily on migration management theory (*governabilidad migratoria*). Migration management theory is an alternative to security-centered migration policies and explores how state order-making practices are justified by humanitarian framings (Geiger and Pécoud, 2010, pp. 8-9).

Many scholars have examined migration management on the supra-national level, studying the way agencies such as the International Organization for Migration (IOM) and United Nations

High Commissioner for Refugees (UNHCR) manage and police migrant bodies using humanitarian logics. Ashutosh and Mountz (2011) argue that the IOM frames itself as a global institution of ‘neutral’ cosmopolitan ethics that is on the side of the migrant by using the language of hospitality and humanitarianism. However, in practice the IOM carries out the punitive and securitizing work on-behalf of states.

Scholars have written critically about migration management and the role that these organizations, and states that adopt this framework, play in international migration regimes. Scholars have argued that the emergence of migration management marks a globalized regime of control (Domenech, 2017; Duvell, 2002) legitimized through humanitarian language (Fassin, 2010). Indeed, Geiger and Pécoud (2010) observe frequent reference to international human rights law in the discourse of transnational agencies justifying their initiatives; at the same time, governments cite their involvement with the IOM and UNHCR to associate themselves with the “neutrality” of humanitarian language (Bigo, 2002; Ratfisch and Scheel, 2010; Mezzadra and Neilson, 2013). While frequently discussed in terms of these transnational organizations, states can also employ the same migration management and humanitarian justifications; it is this state usage of migration management that this thesis will explore.

Domenech (2013) coined the phrase “control with a human face” to describe the manner in which the discourse of human rights lends legitimacy to states’ policies of control, including the use of selective visas, biometric controls, denial of entry, and deportation. In his view, these policies of control of irregular immigration displace but do not eliminate restrictive means of control, and do so in order to efficiently control migration flows classified as “desirable and undesirable,” “ordered and disordered,” (p. 126). Importantly, migration management has the same goal as openly restrictive policies but are more palatable to public consumption (p. 121). Magliano

and Clavijo (2011) argue that although this model seeks to distance itself from securitizing policies, the promotion of an ordered and regularized migration results in all “disorder” (trafficking, irregular migration) becoming problematized as a security issue to be controlled, yet within the language of defending human rights. Technologies of migration management depend on a production of knowledge and “truths” that subjects construct so that “social problems” become understandable, and therefore governable (De Genova, 2016; Ruiz and Álvarez, 2019, p. 696).

Humanitarianism in migration is another key topic that informs this thesis. Scholars have used cases in Europe to discuss these intersections of ‘humanitarianism’ and securitization, particularly around the border regimes of the EU and deaths at sea (Moreno-Lax, 2018; Davitti, 2018; Ojala et al., 2019; Andersson, 2017). Works around these topics in Latin America often reflect on the IOM or UNHCR, but some scholars examine these dynamics at the state level, such as Ruiz and Álvarez (2019) who apply many of the considerations of the humanitarian government, migration management and governmentality to their study of Ecuador’s “war on trafficking,” the discourse of human trafficking used by the Correa administration.

Ticktin’s work on France’s humanitarian migration policies finds that suffering bodies must be recognized as “morally legitimate” in order to receive aid under the transnational “regimes of care:” in this case, deeply ill and sexually abused bodies are deemed worthy of protection, but laboring or exploited bodies are not (2011, pp. 3-5). Fassin (2005) uses the same humanitarian migration policies to question Agamben’s separation of the humanitarian and the political, and that the moral economy of our time has shifted to a combination of policies of order and policies of suffering. Fassin (2005) spoke of an ever evolving “moral economy” and argued that policies around “the undesirable” (including not only irregular migrants but the poor, too) would oscillate

between sympathy and security. Hollifield (2006) argues that human rights are increasingly a new legal space in opposition to territorial space in which states have unlimited power.

Regional Migration Governance

Scholarship on Latin American governments' migration regimes has characterized the region as distinct from the migration policy evolution of the Global North. While Europe and the US saw increasing securitization in the wake of the September 11, 2001 terror attacks and Europe's own 'migrant crisis' of the mid-2010s, Latin American nations saw increasing "humanization" of domestic legislation and interregional efforts such as the Mercosur and UNASUR (Garcia, 2016).

Scholars of Latin America have examined how the region's migration policies have subverted the "liberal paradox." Also known as simply "the policy gap," the liberal paradox describes when the liberal state has an economic interest in free movement of labor and goods, but transnationalism can lead to backlash from the national community and ultimately violate state sovereignty (Hollifield, 1998; 2004). Some authors understand this paradox as the gap between what politicians say and what they do with regard to migration (Joppke, 1998; Boswell, 2007). Migration scholars and political scientists of Latin America increasingly argue, though, that Latin America has inverted this paradox and trends towards humanitarian border regimes, promising extreme open borders and freedom of movement while covertly seeking to deny passage (Arcarazo & Freier, 2015).

Ecuador particularly has garnered attention for its promises of protection, and its policy shortcomings. Political scientists in the last decade have written on the "quasi-experiment" of Ecuador's proclaimed open borders, novel appeals to universal citizenship and transnationalism, and decriminalization of migration (Góngera-Mera et al., 2014; Ramírez & Olavarria, 2016; Freier

& Holloway, 2018). Even more abundant are discussions of the discursive gaps between migrants' framing and realities. Arcarazo and Freier (2015) point out contradictions between the protections of the 2008 Constitution and the deportation-heavy 1971 migration legislation (now replaced by the LOMH). Freier et al. (2019) examined the tension between Correa's rhetoric on migrants and Cuban migrants' suffering, arguing that it exemplified discursive gaps inherent in Latin American immigration policy. Álvarez's (2020) multi-sited ethnography from 2015-2017 juxtaposes the claims of "universal citizenship" and mechanisms of illegality, arguing Ecuador was not exempt from the global neoliberal border control regime even with the left turn.

Ana Margheritis (2011) is cited often for her exploration of the Rafael Correa's construction and 'courting' of a significant Ecuadorian emigré population; in her paper, she argues that in linking other platforms of anti-neoliberalism with the plight of migrants, promising to be "the migrant's government," and do away with Global North conceptions of borders and visas, he personally invoked state-led transnationalism to reinforce his government's political legitimacy (p. 206). Góngora Mera et al (2014) attribute the wide-ranging migrants' protections in the 2008 Constitution to the input of six representatives of expatriate Ecuadorians, on four working groups, who adopted ideological foundations of human mobility and universal citizenship in order to champion rights of Ecuadorians abroad rather than migrants within Ecuador, though it was then extended to encompass them as well, engaging in migrant-identity politics (p. 17). Milier (2012), too, explains that protections for non-citizens reflected the time in which it was written, but continues further to explain ways in which Correa eased and restricted asylum application timeframes and definition of a refugee to suit his foreign policy needs with Colombia.

My Contribution to Existing Scholarship

Ecuador's migration policy has been the subject of several studies using it as a case of "the policy gap," or breaches between migration discourse and policy (Acosta & Freier, 2015; Vega Solís, Gómez Martín, & Correa Álvarez, 2016; Feier et al, 2019). However, these examinations of discourse and immigration policy focus on the Correa administration; there is very little coverage of the Moreno administration and their rhetoric around Venezuelan migrants, and what does exist is limited in scope (Bauer, 2019). Donosto's (2020) critical discourse analysis of press releases from Ecuador's Ministry of Foreign Affairs and Human Mobility is a notable exception, and in some ways my project is a further exploration of some of the themes she identified. However, her central framework was Foucauldian biopower, and while very interesting, I seek to take a different approach. Pugh and Moya (2020), too, offer a comprehensive survey of Venezuelan migrants' portrayal in Ecuadorian newspaper articles and social media, a valuable contribution to the literature on Venezuelans migrants in the Ecuadorian public discourse.

This thesis adds to the ongoing research of Venezuelan migrants' exclusion and reception in South American countries, an issue that will continue to impact the region for years to come (Diego Acosta, Cécile Blouin & Luisa Freier, 2019; Leon Rojas, 2020). This thesis combines original empirical research in the form of discourse analysis and a presentation of this country's particular political context, in order to situate the topic's importance in the broader constitutional and social history of Ecuador. The thesis's exploration of what the discursive strategies mean for the Moreno administration specifically adds to contemporary literature on Ecuador, providing the first study of Moreno's migration policy from a migration management perspective. The project's larger point is that language around Venezuelan migrants constructs a "humanitarian state" on the one hand while the administration embraces the surreptitious restriction of entry on the other. This

case further illustrates the Latin American ‘reverse liberal paradox’ as identified by Acosta and Freir (2015), and contributes to growing literature on humanitarianism in migration governance.

CHAPTER III: LAW AND MIGRATION RESTRICTION

Introduction

In this chapter, I will explore how the Moreno administration since 2018 has put forth ministerial agreements, released a presidential decree, and submitted amendments to migration legislation which limit entry and eases the deportation of Venezuelan migrants. An analysis of these legal documents demonstrates that the administration has sought to: 1) discursively frame their efforts as humanitarian and rights-based reforms; and 2) to connect this to the theme of “securitization as integral for rights,” 3) even as these policies impose significant burdens on Venezuelan movement. This analysis is based on primary source government documents, in their original Spanish,⁴ including the four Ministerial Agreements, arguments of the Office of the Ombudsman before the Constitutional Court, Presidential Decree No. 826, the Ley de Movilidad Humana, and the proposed amendments to the Ley de Movilidad Humana.

Ministerial Agreements and Legal Challenges

An active period of Venezuelan migration governance began in August 2018 as seen through a series of ministerial agreements, a declaration of emergency, and policy shifts from the Ministry of Foreign Relations and Human Mobility. On August 9, 2018, Ecuador’s Ministry of Foreign Relations and Human Mobility (MREMH⁵) declared a state of migratory emergency in

⁴ All translations are my own.

⁵ Ministerio de Relaciones Exteriores y Movilidad Humana

three provinces, El Oro, Carchi, and Pichincha,⁶ citing a report detailing “unusual migration flows” developed by a slew of other government agencies.⁷ The declaration enabled the Ministry of the Interior to send security forces to the aforementioned provinces in order to “maintain operations and a state of alert in order to immediately carry out required actions; that is, to confront any negative situation that the unusual migration flow ... could generate.” (MREMH 2018a, Article 3). This state of emergency was renewed each month until July 2019, when it was expanded to declare a migratory emergency in the whole country. It was then renewed again continually until March 31, 2020, when a declaration of a sanitary emergency closed Ecuador’s borders and rendered the migration-based state of emergency moot.⁸

One week later, on August 16, 2018, the MREMH released a ministerial agreement that imposed new restrictions upon Venezuelans seeking to enter the country. In keeping with the ‘open borders’ push of the Correa period, Ecuador allows citizens from all but twenty-four countries⁹ to enter the country and receive a 90 day tourist visa, renewable to 180 days, with only a *cédula de identificación*, or government issued identification card. Ministerial agreement 000242 changed that for citizens of Venezuela, mandating that Venezuelans present a passport valid for at least six months in order to enter. This ministerial agreement cited a report by the Ministry of the Interior dated that same day (referenced as MDI-DM-S-2018-0006) which invoked the United Nations’

⁶ El Oro is the region with the largest border crossing into Perú (Huaquillas, Ecuador); Carchi is the region with the largest border crossing between Colombia and Ecuador (Rumichaca International Bridge), and Pichincha is at the center and contains Ecuador’s capital, Quito. Resolution No. 000152. (MREMH 2018a)

⁷ This report, *Informe de Motivación de Flujo Migratorio Inusual*, was developed by the Cancillería, the Ministry of the Interior, Secretary of Risk Management, the Ministry of Social and Economic Inclusion, the Ministry of Public Health, the Ministry of Transportation and Public Works, and the Viceminister of Human Mobility. It concluded that the flow of Venezuelan migrants entering through the northern border had significantly increased in 2018, particularly after August 1, 2018. (MREMH, 2018a)

⁸ While interesting, COVID-19’s full effects on migration governance in Ecuador are beyond the scope of this thesis.

⁹ The excluded countries are predominantly Southeast Asia, the Middle East and African and can be found listed on this government website: <https://www.ministeriodegobierno.gob.ec/requisitos-para-ingresar-a-ecuador/>. During the Correa period, Correa disbanded any visas in June 2008, but required visas of several countries of the Middle East 18 months later (Arcarazo and Freier 2015).

worry for the situation, and estimated that 3,000 Venezuelan entered Ecuador each day, increasingly with only an identity card deemed incapable of confirming identity. Backed by the report from the Ministry of the Interior, the MREMH issued ministerial agreement 000242 reasoning that:

The current migration situation of unusual migration flows of nearly 3000 [Venezuelan national] entries each day, and the increasing tendency to present only an identification card, whose authenticity are difficult to verify, have the potential to affect the state's capacity to prevent, control and protect from [migration related crime], and could negatively impact the rights of people in mobility, creating environments for crimes associated with migration. For this reason, it is necessary to establish policies to prevent irregular and risky migration.¹⁰

This paragraph calls into question the authenticity of cédulas de identificación when they are used by Venezuelan migrants. Backed by the enormous figures of 3,000 daily entries and the “migratory state of emergency,” this framing problematizes Venezuelan migration as a risky endeavor that breeds crime and needs security measures (MREMH 2018b). We see migrants’ rights are invoked, and increased restriction and surveillance are emphasized in order to better “control and protect” crime related to migration, such as human trafficking, mentioned explicitly elsewhere in the document.

Challenged by the Office of the Ombudsman (or Defensoría del Pueblo), a Quito court struck down the passport requirement very soon after its implementation (Plazas, 2018), but on August 22, 2018 it was replaced by another bid to verify Venezuelan identity. Ministerial agreement 000244 mandated that Venezuelans wishing to enter Ecuador without their cédula

¹⁰“Que a través de informe técnico de situación flujos migratorios inusuales ciudadanos venezolanos de 16 de agosto de 2018, elaborado por el Ministerio del Interior, en cuya conclusión señala que en la vista de la tendencia actual de aproximadamente 3000 ingresos por día y la creciente tendencia de ingresar al país únicamente con el documento nacional de identidad, que no presenta dispositivos de seguridad que permitan comprobar la autenticidad del mismo o sin ningún documento reconocido por el país, podría impactar negativamente en la capacidad nacional de prevención, control y protección de estos fenómenos, afectando los derechos de las personas en movilidad, y generando ambientes propicios para el fomento de delitos asociados a la movilidad humana, por lo que es necesario se establezcan políticas que permitan prevenir la migración irregular y riesgosa;”

would have to also present either a) a valid certification of authenticity for their identification card, emitted by the government of Ecuador or a “recognized regional or international organization,” or b) a valid certification of authenticity of their cédula emitted by the government of Venezuela, and apostilled¹¹ (MREMH 2018c). These certifications essentially guarantee that the identification card has not been altered or tampered with, but brings out the same theoretical and logistical issues as the passport requirement. Venezuelans in particular are the only nationality of the region that are asked to present additional verification that their documents are not forged, something Maldonado et al. (2020) argues inherently criminalizes Venezuelan migrants. Furthermore, the certificates of validity require investments of additional time and monetary resources that many Venezuelan migrants do not possess. The Migration Policy Institute reports that though Venezuela in 2019 tried to implement access to apostilled background checks online, the process is still incredibly slow, with wait times up to a year to receive a passport for travel (Selee & Bolter, 2020). Though framed around the security of identification procedures, the new policy in practice sought to stymie Venezuelan entry through recognized border crossings.

Ministerial Agreement 000244 conflates themes of control and regulation with protection and the preservation of rights: “the legal system, regulation, protection and control that the Law requires with respect to human mobility cannot be achieved without also the obligation of identification ... in such a way as to protect [migrants’] rights as well as the rights of the Ecuadorian host community” (MREMH 2018c). This language reflects what scholars have identified as “control in order to protect” (Ausserer, 2008; Moreno-Lax, 2018; Ruiz & Álvarez, 2019). The use of security measures, including extended visas and other bureaucratic impositions,

¹¹ Apostille is “an official certificate from a government that makes a document from one country acceptable in another, or the system of using such certificates,” Cambridge Advanced Learner’s Dictionary and Thesaurus

is justified by the goal of protecting rights. As Agier said (2011, as cited in Ruiz and Álvarez, 2019): “la intervención humanitaria bordea con la vigilancia. No hay cuidado sin control,” (p. 4).¹²

These “care and control” logics were also present in further entry restrictions in 2019. In January 2019, just a few days after the infamous femicide perpetrated by a Venezuelan man living in Ibarra, the Ministry of the Interior and the MREMH released an inter-ministerial agreement mandating that Venezuelans present an apostilled certificado de antecedentes penales or criminal background check to enter the country (MREMH & Ministry of the Interior, 2019a). A follow-on policy (interministerial agreement 000001) carved out some exceptions for children, but once again, these requirements singled out Venezuelans, implicitly tied Venezuelan nationality to themes of criminality and threat, and imposed untenable time and cost burdens. These, too, were swiftly challenged by the Office of the Ombuds, and argued before the Constitutional Court of Ecuador that they violated principles of equality and nondiscrimination on the basis of birth-place as outlined in the constitution,¹³ as well as the principle of “estado de inocencia,” or presumption of innocence.¹⁴ Furthermore, the Ombuds also alleged that the claim that authorities had registered falsified cédulas contributed to xenophobia and effectively criminalized a whole national population, and warned against “returning to time periods in which people were criminalized for their race or social condition,” (Caso N°. 0014-19-IN:4). The Ombuds also argued that these policies violated the right to migrate and the right to free circulation.¹⁵ On March 27, 2019 the Constitutional Court accepted the case to be heard on the grounds of constitutionality, and

¹² Humanitarian intervention borders on vigilance. There is no care without control.

¹³ Article 3, Sections 1 and Article 11 Section 2

¹⁴ Article 76, Section 2

¹⁵ According to articles 40 and 66 of the Constitution.

provisionally suspended the effects of the Ministerial Agreements; at the time of writing, the case has yet to be heard or decided (Constitutional Court Case 0014-19-IN).¹⁶

While the Constitutional Court has not decided on the constitutionality of these Ministerial Agreements, their reasoning in the decision to provisionally grant their suspension provides insight into broader interpretations—from outside the Moreno administration— of the ministerial agreements and how they conform to or violate the constitution. The tribunal cites three main points in their suspension:

Considering: (i) the situations of special vulnerability of migrants and their families; (ii) the risks and dangers to which these groups of people would be exposed by crossing in hidden routes or to be victims of human trafficking; and (iii) the rejections at the border, collective de facto deportation and difficulties in entering Ecuador legally, without an adequate and individualized analysis of the specific needs of protection.¹⁷

The Constitutional Court indicates that because of the precarious economic and physical state of migrants, the identification requirements place an undue burden on Venezuelan migrants, and to deny them access to regular border crossing would make an already vulnerable population even more at risk. The Court deems the identity and criminal background check requirements as equivalent to collective ‘de facto’ deportation. In other words, the background check imposes administrative barriers that Venezuelan migrants cannot meet and will inhibit their entry in a systematic way. In practice, this policy will turn away those who may qualify for ‘special protection’ such as refugee status. Notice that both the ministerial agreements imposing

¹⁶This time gap between case acceptance and its argument and decision is not uncommon in Ecuador. As we will see later in this chapter, a ruling on a similar mandate took nine years (2008-2017) to be struck down in the Constitutional Court.

¹⁷Original text from tribunal. Constitutional Court Case 0014-19-IN.

requirements and the Constitutional Court disbanding them reference human rights reports¹⁸ and the dangers of migrants falling victim to crimes such as trafficking.

A case from the Correa administration highlights how the Constitutional Court rejected a similar policy with openly securitizing language. The Constitutional Court of Ecuador ruled that Executive Decree 1471, which levied the requirement of an apostilled background check for one nationality, Colombian migrants, was unconstitutional because it violated principles of non-discrimination in Article 11.2 of the Constitution (Sentencia No. 035-17-SIN-CC). However, this 2008 decree contained a radically different tone, openly associating Colombian migrants with crime and calling for public order and security: “the national security has been gravely affected due to the invasion,¹⁹ principally of Colombians, that enter in part to form criminal associations” and arguing that it is “the duty of the Ecuadorian state ... to attend to public order and the security of the population...”²⁰ This decree was found to be discriminatory in December 2017, a little less than a year before the issuance of the Ministerial Agreements discussed above.

The Moreno administration may have learned from the legal battles of the Correa administration. The MREMH’s legal arguments placed enormous emphasis on the human rights of migrants, security for the sake of migrants, rather than control. I argue that these MREMH policies avoid this outright securitizing language in order to preclude being struck down by the courts.

¹⁸The constitutional court’s decision reference the Resolution 2/18 “Forced Migration of Venezuelans” published by the Inter-American Commission on Human Rights (IACHR), as well as a February 2019 press communication of the IACHR expressing worry at the new measures of managing “forced migrants from Venezuela” and urging them to protect their rights to seek asylum, to non-devolution and to non-discrimination (Article 9 of case 0014-19-IN).

¹⁹ Incursión; can be translated as “invasion” or “attack” in the military sense, or “entrance” or “intrusion”

²⁰la seguridad nacional se ha visto gravemente afectada debido a la incursión, principalmente de colombianos, que en algunos casos pasan a formar parte de asociaciones con fines delictivos”; “deber del Estado ecuatoriano, a través de sus instituciones, atender a la seguridad ciudadana y el orden público, y proteger el libre ejercicio de los derechos y la seguridad de las personas dentro del territorio nacional

This section shows how the state frames its obligations to migrants' rights as "securing their orderly and safe migration," emphasizing order as a prerequisite for any other rights as migrants and allowing the state to construct and enforce visions of "safety." The four ministerial agreements, though couched in a language of rights protection, imply Venezuelan criminality by citing the falsification of identity documents and the assumption of criminal histories. The additional requirements are justified by fears of human trafficking and migration related crime, and simultaneously systematically limit entry for Venezuelan migrants. Considering the Constitutional Court's rejection of essentially the same restriction for Colombian migrants presented in language of "invasion" and migrants as threats, this restriction is dressed in a humanitarian language that masks mass exclusion.

Decreto 826 and the Visa de Excepción por Razones Humanitarias (VERHU)

In January 2019, a very public femicide occurred in the northern region of Ibarra, and in its wake President Lenín Moreno tweeted out a divisive statement to the nation. Part of this statement read as follows: "I have arranged for the immediate formation of brigades to control the legal situation of Venezuelan immigrants in the streets, in places of work, and at the borders. We are analyzing the possibility of creating a special permit to enter the country."²¹

This 'special permit' was realized five months later. In July 2019, President Moreno announced Presidential Decree No. 826, an executive order that mandated a new visa for Venezuelan migrants both inside and outside of Ecuador, the Visa de Excepción por Razones Humanitarias (VERHU), or Visa of Humanitarian Exception. For Venezuelans inside the country,

²¹ "He dispuesto la conformación inmediata de brigadas para controlar la situación legal de los inmigrantes venezolanos en las calles, en los lugares de trabajo y en la frontera. Analizamos la posibilidad de crear un permiso especial de ingreso al país."

VERHU provides many benefits: it allows a new path to temporary regularization; the visa itself is free, and application fees are a mere 50 dollars, considerably lower than what was previously available; it requires a passport, but accepts them up to five years expired; it forgives previous fines, although it excludes forgiveness for fines related to working formally or informally under the tourist visa; it would allow Venezuelans to work legally, which they could not do under the 180 day tourist visa; it would allow regular status for two years; it would give stability where before they had none. In many ways, the VERHU visa provides a viable path forward that agencies have called for and criticized the administration for in the past, especially the lack of access to regularization and ability to stay in the country.

On the other hand, for Venezuelans seeking to enter Ecuador, the visa requirement imposes a significant, perhaps insurmountable barrier to entry, including and surpassing the securitization restrictions levied under the rejected Ministerial Agreements. Required interviews for visa-seekers outside of Ecuador can only be carried out in Carácas, Bogotá or Lima. The VERHU visa is now a requirement to enter into Ecuador and, along with a passport and an apostilled criminal background check from the Venezuelan government, stipulates that applicants must never have broken any Ecuadorian law. Describing his migration policy, Lenín Moreno explained in an interview that: “We have already exceeded our capacities ...We have decided to solicit a humanitarian visa that we will provide to our Venezuelan brothers and sisters that truly need it...”²² While the visa provides relief, it is meant to strategically allow needy migrants to regularize quietly while excluding many more who would seek to enter.

²² ya se desbordó nuestra capacidad ... En este momento hemos decidido solicitar una visa humanitaria que la proporcionaremos a los hermanos venezolanos que realmente la necesiten” Voice of America Interview, September 24, 2019.

Another aspect of the VERHU visa is the creation of a census of Venezuelans residing within Ecuador. As a requirement to apply for the visa and temporary residence, Venezuelans in Ecuador must submit biometric data online to the “Registro Migratorio de Ciudadanos Venezolanos en Ecuador.”¹⁸ Vice Minister of Human Mobility Carlos Velástegui said at the Informe Visa VERHU at the national conference ‘XVIII Mesa Nacional de Movilidad Humana’²³ in September 2020 that around 67,000 Venezuelans had registered for this registry. This may signal what we are to see emerge next in Ecuador’s migration regime, though it is too early to tell. In November 2019, Ecuador’s Minister of the Interior Maria Paula Romo signed an agreement with the US Ambassador to acquire the PISCES, or Personal Identification Secure Comparison and Evaluation System, a biometric control database to be installed in airports, borders, and other points of entry. The technology scans fingerprints, can recognize faces and documents, and, according to the US Embassy in Quito, documents entries and exits from the country. The biometric border system represents another act of securitization—border surveillance that may be wielded in concert with the datafication of Venezuelan migrants.²⁴

One notes that this is not the only ‘ad-hoc’ visa of its kind in the region targeting Venezuelan migration flows. Chile, Colombia, and Peru have also implemented visas that single out Venezuelans and restrict their entry, sometimes couched in language of need and for which it can be difficult to qualify.²⁵ This regional context is important considering that some scholars characterize Ecuador’s migration management as one of systematic inaction, allowing migrants in but quickly shuffling them out again by denying access to regularization, creating “humanitarian corridors” that transport migrants from the Northern Border to the Southern in one fell swoop

²³ Visa VERHU Report; XVIII National Table on Human Mobility, carried out in Quito

²⁴ El Comercio, 2018 and US Embassy in Ecuador Publication, 2018

²⁵ see discussion of Chile’s Visa of Democratic Responsibility in Finn and Reguero, 2020

(Beyers and Nicholls). However, this congruence with neighboring countries makes the visa no less restrictive, and considering the especially deep protections for migrants in the Constitution and the importance of migrants in the national narrative, it warrants unique exploration in the Ecuadorian context.

Examining the VERHU visa in the context of repeated attempts by the Moreno government to restrict and utilize rights-language as a shield, we can critically understand how the visa contributes to the state's evolving migration regime. The visa seemingly accepts the court challenges to the restrictions put in place by the ministerial agreements and has acted to deal with the 'irregular status' of Venezuelan migrants; the visa allows a path to temporary regularization, and legal work for those already in the country. However, the visa also decimates the ability of migrants to enter the country as indicated by the price and logistics of presenting valid passports, securing apostilled background checks, and completing interviews in only three cities. The public statement of the Defensoría,²⁶ which litigated multiple times that the Ministerial Agreements were unconstitutional, offered no challenges to this visa. However the Working Group on Venezuelan Human Mobility, a collection of thirty-seven organizations (only one based in Ecuador, Misión Scalabriniana Ecuador) released a statement on the harms of the visa arguing that it violated human rights obligations (WOLA, 2019).

Criminality and Securitization in Proposed Reforms to the Ley de Movilidad Humana

President Moreno proposed reforms to the Ley de Movilidad Humana (LOMH) in the wake of the shooting of a north Quito woman by a Venezuelan migrant in February 2020. These reforms

²⁶ Defensoría del Pueblo is an autonomous organ of the state that acts as a means of state transparency and accountability. It is a legal body that has a constitutional mandate to protect human rights of those residing in Ecuador as well as Ecuadorians living abroad. I also refer to it as the Office of the Ombudsman as its English translation.

were initially submitted to the Asamblea Nacional around the same period as the Decreto 826 in July 2019; however, the Moreno administration used the femicide incident to gain traction on the reforms. While the text of this document does not address Venezuelans specifically, one must consider it in the context of the “state of migratory emergency,” and how it adds to the broader pattern of migration restriction. The original LOMH approved by Ecuador’s Asamblea Nacional in January 2017; it implemented the migrant-focused protections of the 2008 Constitution and replaced once and for all the heavy-on-securitization Ley de Extranjería of 1971 (Eguiguren, 2011). To amend this major legislation so quickly after its passage, and under the same ruling party that proposed and passed it (Correa’s *Alianza País*), points toward an important shift in the Moreno administration’s migration policy goals.

This document was entitled ‘Proyecto de Ley Orgánica Reformatoria a la Ley Orgánica de Movilidad Humana, which I will refer to as ‘Reforms to LOMH.’ This legal document includes a common-person’s explanation of the changes to the legislation, as well as the formal articles. The legal explanation includes an opening paragraph that celebrates how the Constitution of the Republic has prioritized the principle of freedom of movement in “completely new” ways, and that “with time the difference discriminating between nationals and foreigners will be eliminated, as advocated by the principle of universal citizenship,” (Reforms to LOMH, 2019).²⁷

Despite this rhetorical framing that celebrates Universal Citizenship, the proposed legal changes to the LOMH would allow for easier deportation procedures in the name of national security and eliminate the UNASUR visa, with which many Venezuelans entered Ecuador in

²⁷ Principio con el que el Ecuador se ha posicionado a la vanguardia del enfoque completamente nuevo en las políticas y la legislación migratoria que, conforme la disposición constitucional, con el tiempo se eliminará la diferencia discriminatoria entre nacionales y extranjeros, como propugna el principio de ciudadanía universal.

2018.²⁸ Despite the heavy-handed references to Ecuadorian Constitution’s commitment to radical human mobility, this document requires that applicants “not be considered a threat or risk to the internal security of the State,” and that authorities may turn migrants away on the basis of security risk reports. This language leaves it open to the state to determine who is considered a “threat” or risk to internal security, and allows this broad judgement to dictate entry and access to regularization. The state’s decision to turn migrants away without full consideration of their needs could be seen as violating the principal of non-refoulement, the idea in international customary law that guarantees no one be returned to a country where they would face torture, loss of life, cruel and inhuman treatment, etc, something included in Ecuador’s LOMH, as well as several international treaties.²⁹ The reforms add that “the Ecuadorian state may establish temporary entry authorization mechanisms for South American citizens in duly necessary cases,” (Article 34 of Reforms to LOMH, 2019).³⁰ Indeed, Ecuador has since joined the PROSUR (new regional bloc excluding Venezuela created in March 2019) and expresses support for the Lima Group, a group of Western Hemisphere countries that have denounced the Maduro government in Venezuela.

Conclusion

This chapter has investigated what policy changes have taken place under the Moreno administration with regard to Venezuelan ‘migration crisis.’ This chapter has demonstrated a pattern of legal attempts by the administration to restrict Venezuelan migrants’ entry by imposing

²⁸ UNASUR (Union of South American Nations) was formed in 2010 under leadership from the Latin American Left, including Hugo Chavez and Rafael Correa, meant Latin Americans of member countries could enjoy ease of travel and work across borders, in a scheme similar to the European Union. Moreno announced Ecuador would be leaving the UNASUR group and asked that its headquarters be moved from Quito on March 13, 2019.

²⁹ Including the UNHCR’s Global Compact on Migration

³⁰ El Estado ecuatoriano podrá establecer mecanismos temporales de autorización de ingreso para ciudadanos suramericanos ante casos de necesidad debidamente fundamentados.

additional document requirements in the name of protection. In These ministerial agreements, Presidential Decree 826, and proposed modifications to the Ley de Movilidad Humana frame increased surveillance not as contrary to freedom of movement, but as conditions for the enforcement of migrants' human rights. Through the Constitutional Court's provisional suspension of these policies show that the agreements invoke the same humanitarian clauses they violate in order to justify their restriction. The ministerial agreements impose arduous new document requirements, requiring additional proof of identity and an apostilled criminal background check, not only disproportionately complicating entry through typical means, but hinging logic on inherent Venezuelan criminality. Interestingly, the VERHU visa contains the same restraints that were heavily criticized, challenged by the Office of the Ombuds and (at least temporarily) struck down, but has not been challenged at all presumably because of the path to regularization it offers. The limited access to interview space favors those already within Ecuador while completely excluding those outside, and with requirements of registration it imposes its own form of security, particularly involving biometric securitization. Finally, the third section of this chapter examined the proposed 'reforms' to the LOMH submitted by President Moreno around the same period, Summer 2019, and argues that this text also invokes Ecuadorian rights-based exceptionalism while simultaneously shifting towards migration restrictions, easier deportation and mechanisms of control. In my next chapter, I will show how the Moreno administration's discourse around Venezuelan migrants also employs rights-centric language though the reality of the policies grows increasingly restrictive.

CHAPTER IV: VENEZUELAN MIGRANTS IN STATE DISCOURSE

Introduction

This chapter examines the political discourse of the Moreno administration regarding Venezuelan migrants, the policies that seek to govern them, and what this reflects (or seeks to reflect) about the Ecuadorian state. “Discourse” refers to how language is not benign, static, or neutral, but actively makes up our world and our understanding, generates “truths,” and tells us something about the position of those who speak it (Foucault, 1969). Political discourses enable state actors to construct authoritative representations of national life, national identities, and resident populations (Foucault, 1969; Wodak, 2002). I analyze how the Moreno administration uses humanitarian language to talk about vulnerability, suffering, and ultimately the need for order and restriction.

I conceptualize the Moreno administration as attempting to create through its political discourse of migration a ‘humanitarian government.’ Defining humanitarian, Fassin draws from the word’s etymology, referring to both a shared human-ness and a sympathy for suffering, or humane-ness (Fassin, 2013). Humanitarian government is “the administration of human collectivities in the name of a higher moral principle which sees the preservation of life and the alleviation of suffering as the highest value of action” (Fassin, 2007, p. 151). Humanitarian government attempts to construct a national narrative: “the story that a national collective tells about itself” (Yadgar, 2002, p. 58; see also Brand, 2010, p. 81).

In this chapter I argue that the political discourse of migration is dominated by three mutually-reinforcing images: 1) Venezuelan migrants as victims; 2) that their victimhood derives from a corrupt and vile Maduro administration; and 3) that they are cared for by Ecuador, a rights-committed humanitarian state. Venezuelan migrants are relegated to a third figure in a schema that pits Venezuela against Ecuador. Moreover, Ecuadorian state actors appeal to neutral, overarching human rights protections and draw legitimacy through participation in transnational organizations such as the IOM and UNHCR.

I also have identified three major moments of discursive rupture that break from the dominant humanitarian framing. These three instances are all triggered in the wake of a very public, violent event. At these moments, the political discourse of the Moreno administration goes beyond the dominant narrative of Venezuelans as victims and creates a supplementary narrative of Venezuelans as criminals. Nevertheless, the state still invokes the protection of rights as cause for order and control, and in wielding rights discourse for another group they demonstrate it is not the recipient but the constructed humanitarian Ecuadorian state that benefits from this rhetoric.

The Timing of Political Discourse on Venezuelan Migration

Before beginning on an analysis, I would like to note that the Venezuelan migrant crisis entered the political discourse of the Moreno administration in 2018 as diplomatic relations between Ecuador and Venezuela were deteriorating. Until mid-2018, there was a palpable lack of mention in both speeches and the Cancillería³¹ press statements. The first and only major mention of the “migrant crisis” in 2017 was President Moreno’s UN General Assembly speech. Moreno made no mention of Venezuela or Maduro, but placed emphasis on two migration principles: “El

³¹ Cancillería, or chancery, is used interchangeably to mean MREMH

Ecuador impulsa el principio de ciudadanía universal y libre movilidad, porque estamos cada vez más interconectados y el derecho a la libre movilidad no puede ser solo para el capital y las mercancías. ... Cerrar las fronteras no es la solución. Nunca lo ha sido, en la historia de la humanidad.”³² This invocation of the migrant crisis does more work to highlight the uniqueness and commitment of Ecuador to their migrant-rights principles than to speak to the situation facing Venezuelan migrants.

The lack of publications regarding Venezuela migrants in the first year of the Moreno administration is striking. In 2017, even as Venezuelans continued to enter at higher rates, the Cancillería released no press statements. It was not until June 2018 that there was first mention of “venezolanos” by the Cancillería. The next mention is in August 2018, with the declaration of the state of migratory emergency discussed in my last chapter. The official Cancillería Twitter account, which would go on to mention Venezuelans literally hundreds of times in the following years, did not tweet about them between 2016 and 2018, and Lenín Moreno’s Twitter account did not mention Venezuelans or Venezuelan migrants until August 16, 2018, a week after the declaration of the migratory emergency. I suggest that up until this time, the Moreno administration hesitated to diverge from its public commitments to Universal Citizenship reaffirmed at the UN in 2017, but ultimately determined a policy that would allow focus on migrants’ rights and serve an interest in migrant restriction.

³² Ecuador encourages the principles of universal citizenship and free movement, because we are more connected every day and the right to free movement cannot only be for capital and merchandise ... Closing borders is not the solution. It never has been, in all of human history.

Ecuadorian Generosity and the Construction of the Humanitarian State

The previous chapter shows that Ecuador pursued increasing restrictions on Venezuelan migrants through legal and bureaucratic channels. This chapter demonstrates that Ecuadorian state actors have simultaneously presented a welcoming rhetoric that employs kinship terms and inviting imagery. This political discourse draws parallels to Ecuadorian migrant identity in ways that reinforce the projection of Ecuador as a “country of migrants” dedicated to human rights.

State actors signal at least performative support for Venezuelans in public forums. The phrase “hermanos venezolanos,”³³ runs throughout the informal materials, including many tweets and speeches. *Hermano* as a phrase of endearment is not reserved only for Venezuelan migrants.; Moreno has employed it in various speeches to denote solidarity and kinship with target populations. In his 2019 address to the nation, for example, Moreno made reference to coastal, uniformed, and indigenous *hermanos*, in addition to Venezuelan migrants. Interestingly, while ostensibly a term of endearment and solidarity, the fact that it is assigned to specialty groups within Ecuador places Venezuelan migrants in this same ‘token group’ category as veritable Ecuadorians.

Another phrase invoked by the Moreno administration is the metaphor of receiving Venezuelan migrants “with open arms.” The metaphor, too, of open arms is a comforting one, based in the body, and the language works to humanize the state. Considering the fear of foreign penetration of the metaphorical sovereign body politic (Bigo, 2002), the ‘open arms’ motif provides the contrast of welcome. This phrase intersects with Domenech’s (2013) assertion that modern migration management involves ‘control with a human face.’ This phrase is often used in the past tense as a sweeping generalization of Ecuador’s acceptance of migrants, and allows the state to create an image of welcome that erases the complex reality of restrictions and ministerial

³³ literally “Venezuelan brothers;” evokes brotherhood

agreements. In response to the Venezuelan elections in January 2019, Moreno said in a public statement: “Por ser solidarios, por recibir con los brazos abiertos a nuestros hermanos venezolanos, por compartir territorio, empleo, educación y salud... recibimos gratuitamente injurias, vertidas por una autoridad oficial, que nos llevaron a retirar a nuestro embajador en Caracas.”³⁴ Ecuador has opened its arms, received Venezuelans, and in return received criticisms; this language and framing allows Ecuador to appear morally correct in its foreign policy approach.³⁵ This framing relies on the binary of welcoming giver and the corrupt Venezuela.

Statistics highlighting the scale of Venezuelan migration are included in speaking engagements and tweets. Emphasis on the sheer number of migrants is repeated partially because the statistics are always evolving, and also because the state sought to emphasize the extreme numbers of migrants crossing and Ecuador’s strain to accommodate them. In speeches before the UN General Assembly and the Ecuadorian nation, respectively, Lenín Moreno has said “En Ecuador estamos recibiendo diariamente a al menos seis mil hermanos venezolanos”³⁶; and “Según las Naciones Unidas, los migrantes venezolanos en Ecuador llegarán a fin de año –¡oíganme bien!– a 500 mil, una cifra que ya supera en mucho nuestra capacidad de acogida.”³⁷ These figures of 6000 daily arrivals and 500,000 migrants by the end of the year are meant to shock the Ecuadorian public. This was invoked invoked to discuss the suspension of the ministerial agreements— “suspendió el requisito del pasado judicial para los ciudadanos venezolanos, pasamos de 500, a

³⁴ For being supportive, for receiving with open arms our Venezuelan brothers, for sharing territory, work, education, and health... we receive unfounded insults, spilled by an official authority, which forced us to withdraw our ambassador to Caracas.

³⁵ Like the usage of “hermanos venezolanos,” this phrase is not reserved exclusively for Venezuelan migrants, it is also addressed frequently to Ecuadorian migrants of the diaspora in appeals to return when they are ready. A September 2019 tweet by Moreno bids, “¡Los esperamos siempre, con los brazos abiertos!” | “Forever waiting for you, with open arms!”

³⁶ In Ecuador we are receiving at least six thousand Venezuelan brothers daily. | Moreno 2018, UN Speech

³⁷ According to the United Nations, the number of Venezuelan migrants in Ecuador will rise to be -- hear me well! -- 500 thousand, a statistic that already far exceeds our capacity as hosts. | Moreno 2019, Guayaquil Speech

2.500 ingresos diarios.”³⁸ The numbers provide jarring imagery of an extreme migrant crisis and the extreme generosity of Ecuador. Citing the UN and the IOM provides legitimacy to the figures and aligns Ecuador with the broader global migration regime (Domenech 2017).

In discussing Venezuelan migrants, the administration’s speeches and tweets often portray them victims of an enormous crisis. Sometimes these political texts are left ambiguous; for example, the phrase “forced to move by the largest migration crisis of our time,” for example, emphasizes severity but without any particular name. Moreno administration discourse often draws attention to the downtrodden image of migrants whose situation is described alongside the condemnations of the Maduro regime in Venezuela. The two create a mutually reinforcing narrative: migrants vulnerable because of the “tyrannical regime” of Maduro. This allows Ecuador to assume the position of benevolent state with strong human rights commitments while painting Venezuela as inhumane and corrupt.

Medical treatment takes on a special role in the rhetoric around Venezuelan suffering and Ecuadorian generosity. In a September 2018 interview with television station Ecuavisa’s morning program “Políticamente Correcto,” Minister Jose Valencia used medical aid to shift emphasis from the restrictions and requirements of documents, instead bringing attention to the medical care provided by the state: “... Porque [la migración masiva de venezolanos] no solamente se refiere a temas de identificación, de cruce de fronteras con documentos, sino también cuestiones de salud pública, de protección a personas vulnerables...”³⁹ This broadens and redirects focus on the role of the Ecuadorian state, from a state role of restriction to one of protection. This effort to shift from the perception of the state controlling to providing services and meeting humanitarian needs

³⁸ “Suspended the background check for the Venezuelan citizens, we went from 500 to 2,500 entries a day. | Moreno 2019, Guayaquil Speech

³⁹ ... Because [the mass migration of Venezuelans] doesn’t only refer to things like identification, crossing borders with documents, but also issues of public health, of protecting the vulnerable...

reflects the construction of Ecuador as a ‘humanitarian state;’ (Fassin, 2005; Domenech, 2013). Later in the same interview, Valencia again brings attention to medical care for Venezuelan children entering the country: “La acción del estado ecuatoriano no se ha restringido solamente en verificar los documentos de ingreso. También, ha habido un trabajo del ministerio de salud pública, de 25 mil dosis de vacunación se han dado, se han impartido a los menores venezolanos.”⁴⁰ Here, Valencia asks the public to redefine the role of the state in their collective imagination, to think of the state and migration not in terms of restriction, bureaucrats and visas, apostilled background checks, and armed border control, but also of the condition of the humans who cross, and the state as their caretaker and nurturer. In reality, while both may be true, the control measures do not evaporate; Valencia does not deny that these measures of control do exist, but he asks that one direct attention instead to more palatable aspects. This exemplifies the migration management idea of a dual reality, one in which humanitarian ideas do not replace securitizing policy, but in which the two are interwoven (Magliano & Clavijo, 2011; Domenech, 2013).

Similarly, in his speech at the UN General Assembly in September 2018, Lenín Moreno drew attention to the health issues of Venezuelans arriving in Ecuador, saying, “Los niños llegan con sarampión, con difteria, con poliomielitis; mujeres embarazadas que nunca se han hecho un control ... Hemos destinado más de 50 mil vacunas para esos bellos e indefensos niños.”⁴¹ There is a choice here to mention women and children, and a choice to speak of Venezuelans as profoundly weak and sick. Perhaps it is first salient to contrast this with outwardly securitist language, that might invoke illness as disease and speak of them bringing waste or illness to the

⁴⁰ The actions of the Ecuadorian state hasn’t been restricted only to verifying entry documents. It also has been a task of the ministry of public health, they have distributed, they have given 25 thousand vaccination doses to Venezuelan minors.

⁴¹ The children arrive with measles, with diphtheria, with polio; pregnant women who have never had pre-natal care, ... We have set aside 50 thousand vaccines for these beautiful and defenseless children.

Ecuadorian state. Instead, Moreno emphasizes their vulnerability and need for medical care. This description is in line with characterizations of Venezuelan migrants as laid low by the Maduro regime. his weakness both demonizes the conditions of Venezuela (women who have never had a prenatal care, diseased children— reflecting symbolically and literally on the withered health of the Venezuelan state) and allows Ecuador to play the hero, demonstrate not only generosity and commitment to human rights, but also showcase the strength of Ecuadorian medical institutions.⁴² Fassin (2005) and Ticktin’s (2011) work on humanitarian migration policies would argue that physically suffering bodies are recognized by the state as “morally legitimate” in ways that other migrants’ bodies are not.

“Íbamos a ser Venezuela”

The Moreno administration’s political discourse of migration is not just limited to positive representations of themselves as creating a humanitarian state. From 2018 and onwards, administration discourse vehemently denounced the Maduro administration. In the 2019 UN General Assembly speech, Moreno refers to Venezuelans as “víctimas de [un] conflicto” caused by an irresponsible government. In the same speech, he declared: “Nadie abandona la tierra amada, nadie abandona los familiares, nadie abandona a los amigos por voluntad propia. Lo hacen porque son obligados por una diáspora de un gobierno despótico y carente de humanismo.”⁴³ In the Guayaquil 2019 speech, Moreno remarked that the five million people leaving Venezuela as

⁴² For context, Ecuador’s health system includes both a public and private sector with many public hospitals, and per Article 32 of the 2008 Constitution, health is a right guaranteed by the state to all Ecuadorians and foreigners in Ecuador.

⁴³ No one abandons their beloved land, no one abandons their families, no one abandons their friends voluntarily. They do it because they are obligated by a despotic and inhuman government.

migrants were the ultimate sacrifice of a people, but a relief for the oppressor.⁴⁴ Here, Venezuelans are represented as victims, and specifically victims of the ‘despotic’ Maduro regime.

However, the rhetoric used to describe Venezuelans still does not trigger actual legal protection status. Considering the extensive protections listed in normative law, this invocation of moral obligation *should* guarantee Venezuelans the rights afforded to refugees, as Ecuador is party to the Cartagena Declaration’s broad definition of the refugee that includes generalized violence. Each year as Ecuador’s MREMH formally recognizes the UN “Day of the Refugee,” with speeches and press announcements speaking on the issues facing refugees and highlighting Ecuador’s human rights commitments. Ministry officials do not shy away from referring to Venezuelan migrants and including them in discussions of refugee care. Moreno has used the word “refugee” to describe them before (“los migrantes, los desplazados y los refugiados venezolanos”).⁴⁵ However, there is no prima-facie or “at first sight” legal protection, that is, despite referring to Venezuelan migrants’ dire realities and sometimes including them in speeches honoring refugees, there is no inherent protection for Venezuelans as refugees simply by reason of being from Venezuela and a part of a group fleeing an economic and social crisis. At the time of writing, only Brazil has instituted a prima-facie protection for Venezuelans (Acosta & Madrid, 2020). By utilizing affirmative language about refugee protection but in practice restricting access to the country, the Moreno administration leverages their image and their suffering for political gain. The gap between the emotional reaction evoked with the language of “refugee” and the lack of any real legal protections that accompany that word and this framing exemplifies how language benefits the state’s need as defined by the Moreno administration.

⁴⁴ No puede haber un sacrificio tan grande de un pueblo, que obligue a emigrar a más de 5 millones de ciudadanos. Y por supuesto, el hecho de que se vayan al exilio representa, sin duda alguna, un alivio para el opresor. | Moreno 2019, Guayaquil Speech

⁴⁵ The Venezuelan migrants, displaced, and refugees | Moreno 2018, UN Speech

Moreno extrapolates the moral corruption of Venezuela to create its opposite: a generous Ecuador. But administration rhetoric also uses imagery of Venezuelan suffering to reflect the ‘evils’ of the Maduro economic policies. We see this exemplified in part of the speech at Guayaquil Founding Day in 2019, the first time that the VERHU visa was announced:

Compatriotas: cada vez que veamos a un hermano venezolano procurando subsistir, tratando de alimentar a su familia, ¡no olvidemos que íbamos por ese camino! ¡Allá íbamos, allá íbamos! ¡En buena hora lo evitamos! Íbamos a ser Venezuela. Y no podemos volver ¡nunca más! a ese punto de irresponsabilidad, de derroche, de descomposición, de corrupción y de decadencia. No olvidemos que ese es el resultado indiscutible de la demagogia, del autoritarismo, del populismo. ¡Ese era el mal llamado socialismo del siglo 21! Cerca estuvimos de estar nosotros también migrando, pero no sucedió.⁴⁶

This sentiment is clear: migrants are the real-life example of failed “socialist policies” to be held up as a warning to Ecuadorian audiences. One should fear the outcome of Venezuela and respect the authority and direction of President Moreno, who seeks to lead the country down a different path to avoid authoritarianism, populism, and waste (all descriptions Moreno has levied against Correa at various times in recent years). In this way, Moreno utilizes the platform of migration to bring to the fore other interests of his administration, that is, to maintain electoral support for the hard road of austerity that will purge the country of its former socialist excesses and rejoin the international community by embracing neoliberal economic policies.

Venezuelan suffering is a political resource that is used by the Moreno administration to frame the Ecuadorian state as a caring, benevolent force. Imagery of Venezuelans as oppressed, fighting to merely survive and feed their family, serves to further not only the pity of the

⁴⁶ Compatriots: every time we see a Venezuelan brother trying to survive, trying to feed his family, let us not forget that we were headed down that road! We were going, we were going that way! We avoided it just in time! We were going to be Venezuela. And we cannot ever return to that point of irresponsibility, of waste, of decomposition, of corruption and of decadence. We cannot forget that this is the indisputable result of demagoguery, of authoritarianism, of populism. That was the misnamed twenty-first century socialism! / We were close to migrating ourselves, but it didn’t come to pass.

Ecuadorian audience, but to create a dichotomy and a counterfactual: what Ecuador is; what Venezuela is; and what Ecuador *could have been*. Migrants and their suffering are used to construct Maduro's corrupt, despotic, socialist state in contrast to Moreno's humanitarian state.

Ecuador as Country of Migrants: The Roots of Humanitarian Migration Policy

Another theme that emerges on Venezuelan migrants is the relation to Ecuadorian migration, and how state actors were on several occasions invoking their own 'migration history' in relation to Venezuelans. As discussed earlier, the Ecuadorian mass emigration of the early 2000s had a profound impact on the way migrants were afforded rights in the 2008 Constitution, though much of it was aspirational (Margheritis, 2011). How is the memory of this Ecuadorian diaspora present, here, with regard to Venezuelans? Ecuadorian officials, in particular Carlos Velástegui, Vice Minister of Human Mobility, utilized memory of the "Ecuadorian migration experience" as 1) another way to underscore the humanitarian commitment to migrants and generosity, constructed as 'inherent' and 2) a way to justify controls and additional sovereignty measures. Overall, it contributes to the construction of the image of the humanitarian state with "a human face" while masking or defending restrictive policies.

Vice Minister Carlos Alberto Velástegui has made explicit the framing of the Ecuadorian state as generous, and often makes reference to the 'experience' that led to these policies. Presenting a report on the VERHU visa in September 2020, he remarked that the Ecuadorian state "es un estado generoso, es un estado hospitalario, es un estados de brazos abiertos. Ha sido parte de nuestra política pública, esta concepción respecto de la movilidad humana, reflejo de las

realidades que pasan nuestros propios ciudadanos ecuatorianos en otros países del mundo ... ”⁴⁷

This language firmly connects a generous, hospitable state, and an inherent respect for human mobility reflected in policy. Velástegui articulates this connection again on World Refugee Day, June 2020, saying that Ecuador has a very ‘unique’ characteristic of openness based in profound empathy for those foreigners that come to Ecuador, and attributing this to the Ecuadorian diaspora experience: “Es decir, la característica intrínseca del ser humano y eso está ligado a nuestra historia. Nosotros tenemos también una historia que nos complementa, tenemos ciudadanos cerca de dos millones de compatriotas afuera que probablemente han pasado similares penurias en cuando a la llegada a un país...”⁴⁸ Invoking the two-million Ecuadorians abroad as the root of an intrinsically human centered public policy shows that Ecuador’s own migration experience has permeated a national history. The portrayal of Ecuador as a state impacted by migration and inherently open furthers its image as a humanitarian state in the public imagination.

In an interview discussing the VERHU visa and regularization for Venezuelans in Ecuador, Vice Minister Velástegui contextualized the topic of migration by bringing up the current 1,700,000 Ecuadorians living abroad, and using equalizing language: “al igual a los venezolanos...” he says, “...en cualquier condición que el ciudadano extranjero debe respetar y cumplir con la normativa ecuatoriana, con la ley — el ciudadano que delinque es un ciudadano que no es bienvenido en cualquier sociedad.”⁴⁹ He uses universal language that avoids generalizing Venezuelans as violent, instead drawing comparisons with Ecuadorians. At the same time, his

⁴⁷ is a generous state, a hospitable state, it is a state with open arms. It has been part of our public policy, this understanding of respect for human mobility, reflecting the realities of our own Ecuadorian citizens in other countries of the world...

⁴⁸ That is to say, the intrinsic characteristic of being a human being and that is tied to our history. We also have a history that compliments us, we have close to two million compatriots out there that probably have gone through similar hardships in arriving to a country ...

⁴⁹ ... no matter their [migratory] status the foreign citizen should respect and comply with the regulations of Ecuador, with the law -- a citizen that commits crime is a citizen that is not welcome in any society.

invocation of Ecuadorians also serves to reinforce sovereignty and underscore the need to follow the approved laws and regulations. In another interview, Velástegui presents the Ecuadorian experience to help explain the power of another country⁵⁰ saying when an Ecuadorian is abroad, this person must follow the sovereignty of that country, and while Ecuador would hope they allow regularization to the Ecuadorian, each country acts within their own norms and laws.⁵¹

Additionally, Additionally, we see repeated calls to emphasize the actions of Ecuador as a leader in the Venezuelan crisis, particularly emphasizing the Quito Process and the Human Mobility Technical Tables Meetings, a regional and national meetings instigated by the Ecuadorian government and hosted in Quito to discuss policy and action on the Venezuelan migrant crisis.⁵² State actors are quick to point out that Ecuador is one of only a few countries that have signed all international human rights covenants, including the UN World Migration Pact.⁵³

Discursive Ruptures: Criticisms of Migrants beyond Humanitarian Framing

There are a few major divergences from the dominant political discourse of benevolence-centered rhetoric pertaining to Venezuelan migrants. Three distinct moments of criminalizing talk emerge, all after major disruptive events. These discursive ruptures present a criminal Venezuelan migrant. However, this criminalizing discourse operates within an encompassing political space that seeks to preserve an innocent victim migrant to be protected.

⁵⁰ “sabemos nuestro propio realidad, solo para darle un comparativo” | “We know our own experience, just to give you a point of comparison.”

⁵¹ Velástegui, 2020, Notihoy entrevista on FBlive

⁵² UN 2019 Moreno Speech; UN Event 2019 Jose Valencia; 18th mesa nacional de movilidad humana Jose Valencia.

⁵³ Jose Valencia National Mesa of Human Mobility Aug 31, 2020; Carlos Velástegui Aug 31, 2020; Carlos Velástegui World Refugee Day June 19, 2020.

During the protests of October 2019, a series of violent conflicts between the national police and protesters from transportation unions and the Confederation of Indigenous Nationalities of Ecuador (CONAIE), Venezuelans were one of several outside groups faulted for the unrest. On October 15, a few days after the last day of protests, President Moreno gave a speech that pointed to various foreign infiltrators, including FARC and ELN of Colombia,⁵⁴ “secuestradores correístas,”⁵⁵ and Venezuelan migrants. However, not all Venezuelan migrants were implicated in this “guerra de guerrillas,” according to Moreno, who creates a dual narrative of “good” and “bad” migrants. “Estuvieron aquí centenas de venezolanos que se filtraron con la gente buena. Se filtraron con los venezolanos que huyen de un régimen despótico que ahora también martiriza a los ecuatorianos, y ha martirizado y ha dejado en el hambre, en la desesperación y con carencias a ese pobre pueblo.”⁵⁶ We see here a distinction between Venezuelans who are victims of the Maduro regime and those, in the eyes of the state, co-opted that experience and that opportunity to infiltrate Ecuador. Even while pointing to infiltrators and implied criminals, bad among the good, there remains the narrative of the victim-Venezuelan to serve as foil.

⁵⁴ FARC (Fuerzas Armadas Revolucionarias de Colombia) and ELN (Ejército de Liberación Nacional) are two left-wing armed guerilla groups operating in Colombia since the 1960s.

⁵⁵ “Correa-supporting hijackers”

⁵⁶ There were hundreds of Venezuelans here who filtered through with the good people. They filtered through with the Venezuelans who fled a tyrannical regime and which now martyrs Ecuadorians, and has martyred and left this poor people hungry, desperate, and with scarcity.

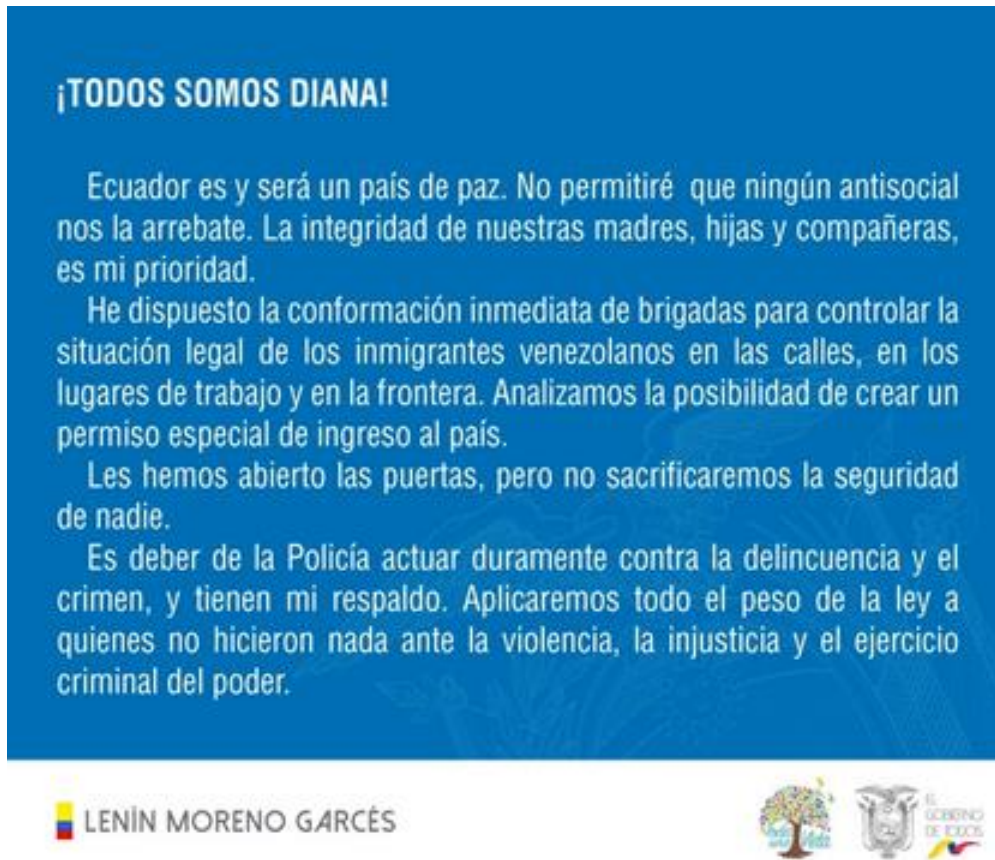


Figure 1: “We Are All Diana!” Statement Published on official Lenin Moreno Twitter Account⁵⁷

The second instance is perhaps the most infamous of the rhetoric surrounding the Ecuadorian response to Venezuelans. In late January 2019, a pregnant young woman in Ibarra, a city in the northern region of Imbabura, was held hostage by her Venezuelan boyfriend at knife-point for nearly an hour and murdered in plain view of police. Her death riled the country and led to a deluge of xenophobic attacks in the city of Ibarra, forcing migrants to flee the city.

⁵⁷ Figure 1 Translation: We are all Diana! Ecuador is and will always be a country of peace. I will not permit a one-off loner to snatch that away from us. The integrity of our mothers, daughters and female companions is my priority. I have arranged for the immediate formation of brigades to control the legal situation of Venezuelan immigrants in the streets, in places of work, and at the borders. We are analyzing the possibility of creating a special permit to enter the country. We have opened the doors to them, but we will not sacrifice the security of anyone. It is the responsibility of the police to take decisive action against crime and delinquency, and they have my backing. We will apply the full weight of the law to those who did nothing in the face of violence, injustice and the criminal exercise of power.

International news coverage focused on the statement that President Moreno released that night via his Twitter account; in it, Moreno called for control, security and proposed the idea of a special entry permit for the country.

With the use of the phrase “Todos somos Diana” (see Figure 1), Moreno Moreno co-opts the rallying cry of a feminist anti-gendered-violence movement in an attempt to align himself with another vulnerable group’s expression for rights.⁵⁸ The word “integridad” is interesting here in the context of women’s safety; at once it evokes not only physical integrity but implies a spiritual and sexual wholeness of the mothers, daughters, and compañeras. Here, though, violence against women is indeed an issue in Ecuador and Diana Carolina’s death was tragic., Moreno extrapolates this incident to the much broader national level, calling on brigades to “control the legal situation of Venezuelan immigrants in the streets, in places of work and at the border,” invoking the need for security and order. It is in this context of danger, need for order and security, that the “idea of a special permit to enter the country” is introduced, though the Moreno administration had already been introducing restrictions and background checks before this without this specific justification. When women’s interests are perceived to be at risk, the rhetoric aligns to fight for rights, but now for another group other than migrants.

In the wake of this event, Communications Minister Andres Michelena tweeted, “Tenemos conocimiento de la estrategia de Maduro. No podemos tolerar que envíe a personas que tiene detenidas en sus cárceles al Ecuador, por eso rechaza la entrega de récord judicial. No podemos generalizar, hay hermanos venezolanos queridos y de gran valor.”⁵⁹ Mechelena asserts that the bodies being sent into Ecuador are inherently criminal, and that a failure to submit to the

⁵⁸ This phrase, using “Todos Somos,” or “we are all” and the name of the deceased, is used frequently to call attention to femicides throughout Latin America.

⁵⁹ We know Maduro’s strategy. We cannot allow him to send his prison detainees to Ecuador, this is why he rejects submitting penal records. We cannot generalize, there are dear Venezuelan brothers and sisters of great value.

confessionary of the visa process and its criminal record is a conscious decision to trick and harm. In the same tweet, a quick turn tacks on that though it is a strategy of Maduro (again pinning direct effect to mastermind cause agent), there are some ‘queridos’ Venezuelans. The fact that these two frames exist within the same tweet⁶⁰ demonstrates a kind of discursive ambivalence. There is no racial or defining distinction for “good” and “bad” Venezuelans, those streaming in from prison or walking hundreds of miles with diseases. Their identity takes the shape of the needs of the state in constructing them, and while it seems in large part the rhetoric has trended towards the humanitarian to justify restriction, there is another side that may be invoked when useful.

Almost exactly a year after the Ibarra femicide, another public death of an Ecuadorian woman triggered speech justifying restriction in February 2020. A sixty-eight year old woman named Maria Granja was shot by a young Venezuelan migrant outside of a shopping mall in the affluent northern district of Quito. In the wake of her death, both President Moreno and Minister of the Interior Maria Paula Romo used the incident to call the Asamblea Nacional to pass the proposed reforms to the Ley de Movilidad Humana (LOMH) discussed in the previous chapter, and another piece of legislation on security. In his language, Moreno argued the reforms would continue to protect the rights of the migrants, the receiving community, and also permit the state to expel and deport “the foreigners who come to our country to commit crimes.” Framing the binary as criminals and tourists, he included that those who come to visit or come to “gozar de las maravillas” are always welcome, but those who “vienen a dañar nuestra sociedad, a asesinar, a delinquir, a hacer crimen organizado, no, ellos no son bienvenidos.”⁶¹

⁶⁰ It should be noted this tweet is in reference to an interview given to Radiocity that unfortunately does not exist online.

⁶¹ “Enjoy the wonders” | “come to harm our society, to murder, to commit crimes, to participate in organized crime, no, they are not welcome”

This incident is unique of the three, though, in that it does not draw particular attention to Venezuelans, rather, it only uses the language of criminality. Unlike other discourse surrounding migrants we have examined, this in theory extends to other “undesirable” migrant groups, such as Cubans. On the other hand, given the national discussion around migration, the on-going technical planning meetings, the migratory state of emergency still being in effect at this time, it did not have to be explicitly said for Ecuadorians to understand this speech as an extension of the discourse on Venezuelans and criminality.

Through these three cases, we have seen that the official discourse on Venezuelan migrants is allowed to differ from the largely dominant humanitarian-centered language only in times of violence. However, even when there is criminalizing language, there is room left open to preserve the image of an innocent Venezuelan migrant to still capitalize off of the victim narrative. Interestingly, nothing is offered in the rhetoric to make a distinction between the two types of migrant, good or bad. The fluidity of this language allows for an evolving restriction; it is left up to the state to distinguish and set the terms of what exactly violates safety, and who is considered a threat.

Conclusion

This chapter has examined the political discourse of the Moreno administration regarding Venezuelan migrants. This portrayal of migrants fits what other scholars have identified as “migration management,” that is, the use of humanitarian logics in the name of safety and order to justify controls on bodies and international movement (Domenech 2017). In contrast to constructions of a racialized or criminal ‘other’ that is seen in some securitization discourse around migrants, these state actors portray Venezuelan migrants as victims, allowing the Moreno

administration to adopt the appearance of a “humanitarian state,” that seeks to aid the vulnerable by using kinship language, stressing the medical need of migrants, and the portrayal of the Maduro regime as a perpetrator of suffering. Additionally, the Venezuelan migrant discourse has several times invoked the Ecuadorian mass migration of the early 2000s. In this way, Ecuadorian migrants continue to play a part in the national narrative of Ecuador as a rights-centered, progressive country, as the ultimate proof of an innately humanitarian interest embedded in state migration policies. Memory of Ecuadorian migrants has been used to frame and further the idea of state sovereignty, reminding of the realities of control and power for migrant bodies in countries. When breaking from this discourse in moments of extreme distress, blame is shifted to Venezuelans and there are calls for order, and the dual construction of a “good” and “bad” migrant, one that is the victim (preserving the dominant narrative) and one that is infiltrating under the orders of the Maduro administration, an extension of a corrupt foreign power that represents not only Venezuela but the economic threat of the “socialism of the 21st century.”

CHAPTER V: CONCLUSION

This thesis has sought to explore the Moreno administration's evolving legal actions and discursive representation of Venezuelan migrants in Ecuador. Chapter 3 establishes that the Moreno administration repeatedly attempted to limit Venezuelan entry through a series of identity and bureaucratic requirements, the imposition of a humanitarian visa, and proposed reforms to the recently established migration legislation, the *Ley de Movilidad Humana*, which would allow refoulement and deportation on security grounds. Chapter 4 demonstrated that the political discourse of the administration concerning migration lauded Ecuador as progressive, benevolent, and generous; it portrayed Ecuador as a 'humanitarian state.' By presenting care rather than security as the state's primary interest, the Moreno administration attempted to legitimize its legal and policy changes. This reflects the logic of "control in order to protect" similar to what one finds in anti-human trafficking campaigns (Ausserer, 2008; Ruiz and Álvarez, 2019).

The Ecuadorian humanitarian state emerged in opposition to the Venezuelan state and reaffirmed the legacy of the Ecuadorian diaspora. To bolster the image of Ecuadorian benevolence, the Moreno administration represented Venezuelan migrants as suffering victims in need of aid. The Moreno administration also framed the Venezuelan state as a despotic, corrupt, "twenty-first century socialist" regime that serves as antithesis to Moreno's increasingly neoliberal Ecuadorian state. Administration officials also called upon Ecuador's own migration history, the so-called "Ecuadorian diaspora" two-million strong, to present Ecuador's public policy as inherently migrant-centered and humane because of this 'unique' experience. In rare moments, there were

discursive ruptures from the dominant humanitarian discourse of care for vulnerable Venezuelan migrants. Even in instances of criminalizing language, some migrants were deemed ‘infiltrators’ while others were preserved as victims in need of protection. This maintained the idea of Ecuadorian state benevolence.

Based on this empirical analysis, I have argued that the Moreno administration has centrally pursued the construction of a ‘humanitarian state’ in Ecuador that is built upon a political discourse of care for the vulnerable and increasingly restrictive legal measures to slow Venezuelan migration. This allows the Moreno administration to retain the political capital that accompanies perceptions of the Ecuadorian state as committed to the values of human rights, while quietly working to implement restrictive policies in the name of protection. As noted by scholars in literature on migration management, humanitarian language provides a cover through which restrictive policies can be palatable, but with the same goals as securitization: the efficient control and order of desirable and undesirable migration flows (Domenech 2013; Fassin 2010; Geiger and Pécoud 2020).

This work describes shifts towards migration restrictions couched in humanitarian language and considers the Ecuadorian context under the Lenín Moreno administration (2017-2021). In Ecuador, there were profound migrant protections already enshrined in law under the previous Correa administration (2007-2017). This thesis is a valuable addition to scholarship on migration management as it provides an empirical case of what Domenech (2013; 2017), Scheel and Ratfish (2014), and Ashutosh and Mountz (2011) have explored theoretically. This thesis also adds more generally to literature on South American governments’ responses to Venezuelan migrants, and on discursive governance by presenting empirical findings of the case of Ecuador’s policy and discourse. The insights of this thesis aid in the scholars’ understanding of responses to

the Venezuelan migrant crisis, a topic of extreme importance that will continue to affect the region and millions of people for decades to come. I hope that this thesis adds insight to a small part to the much larger tapestry of policies around this issue.

In terms of future lines of research, it will be critical to study the full effects of COVID-19 on the border regimes of Latin America, particularly with respect to necropolitics and biopower. Continuing what has been seen in this paper around characterizations of medical and economic vulnerability, it will be interesting to see how Venezuelans fit into national narratives around health, safety and borders in the context of the pandemic— if they continue to be framed as victims, are converted to “bio-invaders,” or simply are determined to be outside the capacity of the state. Furthermore, in future research I would like to examine the ‘datification’ of migrants, migrants’ privacy protections, and biometric controls through a biopower lens in Ecuador as the country slowly implements new technologies of tracking and transnational surveillance, as seen by the biometric registry required for the VERHU visa and the purchase of PISCES, or Personal Identification Secure Comparison and Evaluation System.⁶²

⁶² El Comercio, 2018 and US Embassy in Ecuador Publication, 2018

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