An Approach to Latin American Reality, Its Significance and Scope in Ecuador

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Abstract. Migration is a constant phenomenon in human history of conquests, conflicts and integration; when migrating, people interact with a different society with factors that condition their adaptability and insertion in the host country’s system. This work aims to show intra-regional migration and the evolution of migration in Ecuador, which from issuer has become receiver and transit of migrants, within an established legal context; Special attention deserves the emergence of the covid19 pandemic that has affected the entire humanity, part of which is made up of a significant number of people who as migrants are in many countries. According to the WHO for at least a year, the health situation will not stabilize, and the macroeconomic forecast for Ecuador in 2020 foresees a fall in GDP, between $7.3\%$ and $9.6\%$, which at the time of massive unemployment will notably affect the migrant sector.

Keywords: Migration · Intraregional · Ecuador · Rights · Pandemic

1 Introduction

Since ancient times, human beings have found themselves in permanent mobilization due to involuntary or voluntary reasons, either to seek refuge or because of the desire to seek better economic opportunities. This research work has the purpose of analyzing the dynamics of the immigrant sector at the intra-regional Latin American level with emphasis on countries such as Ecuador, during the last years.

Under this criterion, the study is developed in three parts. The first focuses on a theoretical-conceptual review related to the phenomenon of migration, with an approach to the Latin American reality, within the context of international relations, taking as a reference the migratory movement at the intra-regional level. The second part presents an analysis of the presence of immigrants in Ecuador, of how the country has become an issuer, receiver and region of migrant transit, regulated by the Organic Law of Human Mobility, which allows an immigrant to function making use of the principle of Universal Citizenship. The last part highlights the unexpected appearance of the Covid-19 virus at the pandemic level, its future economic forecast and its impact on the migrant sector in the country, manifested on two fronts: health and economic.
2 Reference Literature

2.1 Principles of Human Coexistence

Human history has followed the course of emotions which has made coexistence between fellow human beings possible [1], the social dimension appearing, people make up societies and each one, regardless of the environment, has the capacity for action and creativity [2]. Social coexistence is essential to have order and a social environment of respect for each other, in compliance with standards and instilled values. The human being is a privileged species with intellectual capacity, and option of discernment, inherits from their ancestors the benefits of discoveries and errors, and in turn enriches the inheritance received to transmit it to another generation [3, p. 361]. This implies inheriting technical survival skills, education systems, canons of behavior or religion, among other aspects of organization created within their own environment and their vision to understand the world.

From a globalized society approach, pluralism coexists, which implies a conglomeration of interrelated things, such as doctrines, cultures and religions that mark different identities willing to coexist, although with differences among themselves [4, p. 102]. Taking Latin Americans as a reference, as a heterogeneous group, they identify in a certain way, they have their own and unique culture, although they have the Spanish language in common, there are accents and terms of their own in each region, even within the same country.

2.2 International Relations

Currently, the rules that regulated international life since its formal beginnings have varied somewhat, since in addition to States, multiple international actors have entered the world arena, such as multinational companies, intergovernmental organizations, NGOs, and others. With so much diversity in their nature, interests, and strategies, it is very difficult to define the purpose of international relations [5, p. 4].

Within the context of International Relations, Private International Law is important for a better understanding of certain international realities, and fundamentally it is a set of conventional norms, so that the judges before whom a question was submitted, can solve conflicts caused by the own interpretation of different national legal systems [6]; while community law is a set of legal norms, determined in conventions or constitutive treaties aimed at multilateral integration and executed by institutions created for it [7, p. 856]. Community law is a right of the member countries characterized by the establishment of hierarchical legislation among all of them [8, p. 175].

2.3 The Phenomenon of Migration

To analyze the phenomenon of migration, it is convenient to review the meaning of related terms, and in this context the International Organization for Migration (IOM) defines migration as the movement of people who are mobilized or have been mobilized outside their place habitual residence, across an international border or within a country, temporarily or permanently and for various reasons [9]. When the person moves from his
country of nationality or habitual residence to another country, he becomes an emigrant; and when he arrives at the country of destination where he will stay or new place of residence he is called an immigrant [10]. While it is true that the term immigrant has a technical meaning, in certain sectors or groups within a society it has a meaning equivalent to an urban intruder [11], given that by inserting itself into the productive system of the receiving country, it comes to occupy jobs, displacing workers nationals, in addition to receiving certain benefits covered by regulations or bilateral agreements.

The last decade has been characterized by the fact that the migration that takes place between the South American countries themselves has been on the rise, with an intensity greater than that which had existed before, towards other regions of the world [12]. Intraregional migration is characterized because it develops within a context of better communication and globalization, and with the validity of migration policies established by multilateral agreements and applications in the sovereign regulations of each country, which are not always fair, with obvious contradictions and inconsistencies. In 2019, Argentina had the largest population of people born abroad in the region (over 2 million migrants), mainly from neighboring countries such as Paraguay and Bolivia [13].

2.4 Types of Migration

Migratory flows are caused by two situations, one when there is an area of pressure or rejection where people are perceived as victims without the ability to act and the other shown as a zone of attraction, where the answer to the solution of the problems is found [14].

Among the types of migration stands out that which is forced, due to external forces, such as violence or political persecution that act on the individual forcing him to leave a physical place. Forced migration is also generated when armed conflicts, natural disasters, epidemics or pandemics occur. As another type of migration is the voluntary one, which occurs when it is a free decision of a person, either for cultural, social or economic reasons when the fundamental purpose is to improve their income level or quality of life [15, p. 20].

From a contemporary approach, the types of migration can be classified as intraurban when there is a transfer from one sector to another within the same city; extra-regional when there is a displacement from one city to another; and international when you change country [16, p. 106], the extra-urban also counts when there is a transfer from rural to urban areas or vice versa.

2.5 Intra-regional Immigrant Flows in South America

As a consequence of the crises that occurred in Latin American countries during the 1990s, the migratory flow from South America to Europe, mainly to Spain and Italy [17]. As of 2019, the flow is regionalized and it is observed that numerous populations of South American migrants resided in other countries in the region, the largest amounts coming from Colombia with 2.9 million and Venezuela 2.5 million, of which approximately one million Venezuelans displaced persons were located in various regions within the Colombian delimiting zone [13]. In 2018, Venezuela was the country with the most
asylum seekers in the world, more than 340,000 compared to 100,000 applications in 2017. At the end of 2018, approximately 3 million Venezuelans had left the country due to violence, persecution, the economic and political crisis [18].

At the beginning of 2017, Colombia had more than 7 million internally displaced persons, and 340,000 people lived as refugees in countries such as Ecuador, the Bolivarian Republic of Venezuela, Panama and Costa Rica, taking into account that, as a consequence of the conflict between irregular forces and the Colombian army, for fifty years, there has been the permanent displacement of thousands of people [18]. Until a few years ago, these refugees were mostly welcomed in the Bolivarian Republic of Venezuela and Ecuador, neighboring countries; El Salvador was the second largest country of origin of refugees and of origin of asylum applications in the region, followed by Haiti [19].

In 2019, Argentina was the country that welcomed the largest number of foreign-born people in the region (more than 2 million migrants), mainly from neighboring countries such as Paraguay and Bolivia, followed by migrants from more distant countries such as Venezuela and Colombia [18]. Within this intraregional migratory context, Ecuador has been one of the countries that has provided the greatest openness to migrants from almost all countries, both with the category of refugees, as well as transit migrants or with permanent residence.

### 2.6 Migrants in Ecuador 2020

People have seen migration as a strategy to solve certain problems faced in their daily lives, whether these are socio-economic, political, as a result of natural disasters or due to internal conflicts [20]. The specific case of Ecuador is characterized by the interference of various factors, among which the economic depression caused by the government adjustment policies established by the World Bank and the IMF during the 1990s [21], a situation that led to massive layoffs of public sector workers, and business bankruptcy among other aspects. Faced with this difficult situation, the first wave of emigration of compatriots to other countries took place, in order to achieve better living standards.

In 1999, the so-called bank holiday occurs in Ecuador, reflected in the freezing of bank accounts, which was a prelude to the adoption of the dollar currency to replace the national sucre currency [22]. Ecuador was then experiencing the worst economic crisis in its history. If in 1995 the economic situation affected 3.9 million people, five years later this figure grew to 9.1 million [23, p. 2]. Faced with this situation, a large number of Ecuadorians decide to emigrate to countries such as Spain and Italy, in search of better job opportunities. In this new stage, it is observed that, on the one hand, the country enters an economic lethargy at the government level, while on the other hand, the sending of remittances from Ecuadorian migrants to relatives in Ecuador is boosted, reactivating in some way the internal economy.

The approval of the Constitution of Montecristi in 2008, raises the principle of Universal Citizenship that grants citizenship rights to immigrants in Ecuador [24]. This gives place for citizens of other countries to feel attracted by the openness offered by a dollarized country, and it begins so that in addition to being a sending country, Ecuador also becomes a country of transit and recipient of migrants. In these conditions, Cuban migration to Ecuador becomes relevant since 2008, which gradually increased until 2015.
when certain restrictive measures were taken [25]. A part of this group came to work in the health field, and another part of transit to the United States.

As of 2015, a marked flow of Venezuelan migrants was observed through several countries in the region. As a consequence of the negative political decisions taken by the Venezuelan government, reflected in hyperinflation, its citizens were forced to leave their borders, initially towards countries such as Spain and the United States, to later head en masse towards the countries of the coast of the South American Pacific Colombia, Ecuador and Peru. To a lesser extent, they are also found in countries such as Chile and Argentina [26]. Ecuador is a transit country for those Venezuelans who move south, and a recipient with an approximate number of 240,126 registered Venezuelan migrants and refugees [27]. Of the migrant population residing in Ecuador, the Venezuelan is the one with special characteristics due to the situation in their native country and constant emigrant dynamism. Of this sector in Ecuador, 87.8% of that population works, but informally and only 12.2% formally [28].

For the treatment of migration, Ecuador has specific legal regulations, adhering to international legislation and confirmed in Art 416, numeral 7, of its Magna Carta, which requires respect for the rights of citizens in a state of migration, applying its full exercise to comply with the assigned obligations, in accordance with the adhesion to international instruments of which Ecuador is a Member [24]. The Organic Law of Human Mobility - LOMH- was created because it was considered convenient to have a comprehensive law that ensures people as subjects of rights, with access to good living and citizen protection [29], highlighting the fact that this law has promoted the non-criminalization of the migrant [30], although it is a very flexible law because it gives rise to foreign citizens, especially from the region, feeling incentivized to enter the country by simply presenting a citizenship card, declaring tourist activity as a motive, when in reality the objective is to work and settle the time they deem convenient. On the other hand, Ecuadorian citizens feel disincentive to these facilities, since there is unfair competition for work.

2.7 The Situation in Times of Covid-19

On March 11, 2020, the World Health Organization (WHO) informed the world of the appearance of a virus called COVID-19, which would spread as a pandemic to all corners of the planet, highlighting the danger that this type represents of pandemics and the fragility of the institutions to face this adversity [31]. Faced with this situation that affects the whole of humanity, two important issues were glimpsed on which the best decisions would be made in a comprehensive manner, by governments, health organizations and other related institutions: first mitigate the expansion of COVID-19 and initiate research leading to the discovery of drugs to cure the disease and vaccines to prevent contagion. As a second parallel action front, strategies must be designed to handle the economic aspect as a consequence of the first, which implies having a recovery plan for economic activity, but adopting hygiene and social distancing measures, actions that will depend on each country [32].

The Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC), Alicia Bárcena, on April 21/20 presented the special COVID-19
Report No. 2, entitled dimensioning the effects of COVID-19 to think about reactivation. According to what was expressed by the head of ECLAC, the coronavirus pandemic (COVID-19) impacts the economies of Latin America and the Caribbean through external and internal factors, the result of which will lead to the worst contraction in the region since 1914 (Spanish flu) and 1930 (The Great Depression). The latest measurements show for 2020 a trend towards a fall in regional GDP of $-5.3\%$ $[33]$. The contraction with the Great Depression of 1930 was $-5\%$, and in 1914 $-4.9\%$.

The objective of the Special Report described above is to measure the economic effects of the pandemic in the short and medium term. “For the short term (year 2020), estimates are made of the dynamics of production, employment, poverty and income distribution; and the medium-term vision foresees changes in the organization of the productive activity in process and its intensification” $[34$, p. 1]. Although the information provided by ECLAC predicts discouraging trends when compared with times of world crisis such as 1918 and 1930, we must not lose sight of the fact that the power of current communication and digital technologies, which at that time were not available in the same magnitude, they can help a lot in the recovery time and process.

2.8 Economic Overview

The effect of a freeze in a large part of productive activities in the country, as a result of the COVID-19 pandemic and the international uncertainty of Ecuador’s trading partners regarding its economic recovery, are the predominant factors in the forecast results. Macroeconomic for 2020 $[35]$. These assumptions suggest that the Gross Domestic Product (GDP) for the year 2020 will present a year-on-year decrease that is in a range between $-7.3\%$ (USD 66,678 million in constant values) and $-9.6\%$ (USD 65,015 million) $[35]$.

In response to these forecasts, as part of the urgent measures, the approval of the Humanitarian Support Law in force in the country as of June 22, 2020, mentioned among the most relevant issues: reduction of working hours and agreements of schedules; dismissals due to force majeure or fortuitous, that is, you can resort to termination of employment by decision of the employer; State guarantee for the opening of new ventures from day zero, without any type of requirements $[36]$. These and other humanitarian solidarity measures are necessary to face the consequences caused by COVID-19, and to reactivate the economy through measures aimed at maintaining employment conditions.

Estimates regarding the dynamics of production, employment, poverty, and income distribution are not very encouraging for Ecuadorian citizens, but affect migrants residing in the country in the same way, and these are not the only adversities that migrants and refugees suffer. In addition to the insufficient health infrastructure, there are mobility restrictions that each country is implementing, both internally and across borders $[37]$. Considering that a large part of the migrants in the country are engaged in informal trade, with the restrictive measures of mobilization and social distancing, sales and therefore income have decreased considerably.

Remittances sent by migrants are the basis for the livelihood of millions of households in Latin America and a fundamental contribution to the economy of many countries in the region, but they have already begun to be negatively affected by the covid-19 pandemic, anticipating a reduction considerable during the current year $[38]$. 
Taking as a reference one of the most representative groups in Ecuador, the situation is even more critical for Venezuelan nationals who have emigrated to find a better quality of life and financially help their families from abroad. With the arrival of the coronavirus, these wishes have been truncated, because thousands of people have been laid off from their jobs around the world or their informal businesses do not prosper, so many of them have been forced to return because they are in very critical economic situations, but not even that they have been able to achieve due to border closures [39].

3 Methods

In the developed research, a mixed methodology (qualitative and quantitative) has been applied, the qualitative method with theoretical analysis and through interviews with two experts on the subject of human mobility and migration, the quantitative one based on data and statistics collected and developed by we organize international and local official. The quantitative and qualitative modalities are complemented to generate valid information and in this way develop a specific analysis.

In temporal terms, it has been extended to the last two decades because there have been marked trends in human mobility both from and to Ecuador, which are constituted in the research units. The development of this work is adapted to the type of descriptive research, which allows a clear and comprehensive detail of the various migratory trends that have occurred in the set time.

4 Results

According to experts Diego Donoso and Raúl Salgado, regarding the importance of international treaties at the regional level in terms of migration, and of which Ecuador is a part, it is the responsibility of governments to work together to safeguard the integrity and respect for Human Rights, being the obligation of the State to honor the commitments with sister nations, since international treaties are the instruments that make possible the possibility of adequately handling possible migratory situations, complications and resulting problems [40, 41].

Regarding the issue of migration of people and types of migration, they point out that free mobility is a human rights and the committed nations must respect and support them, it is imperative that governments work hard so that their management is adequate in terms of migration, achieve application standards and, above all, guarantee the integrity of people [40, 41].

Regarding the migratory trend in Latin America, they state that it is a continuous process that has intensified in the last 20 years due to various factors: security, economy, political and racial status, employment. Whatever the condition, each of the states must be prepared with norms, instruments and conditions to house temporary or permanent migrants within their territories [40, 41].

Regarding migration in Ecuador during the last two decades, they point out that migratory movements were characterized by unskilled labor migration mainly due to economic and social factors, however during the last 10 years the pace and levels of
migration have not been significant compared to the migratory movements of citizens from other countries in the region [40, 41].

The opinion of those interviewed, regarding the behavior of the migrant sector in Ecuador, between March and July 2020, indicates that it responds to citizens in vulnerable situations, mostly without preparation, and with few resources. These conditions mean that the possibilities of being part of the national EAP are minimal or non-existent, in addition to the precarious conditions that are sometimes exposed, it is a temporary, cross-border migration [40, 41].

Regarding migratory flows in the post-pandemic era, at the global, regional and Ecuador levels, they state that they will be concentrated in the most economically developed countries with solid legal security; where priority will be given to labor migration as part of the reactivation of productive and market spaces; However, the largest number of the population will choose to remain within their countries in order to protect their own health and that of their families [40, 41].

The pandemic reached the Andean region where approximately 1.5 million migrants who are living in the region today are irregular. According to the Ecuadorian government of Ecuador, 70% of the productive apparatus has been paralyzed by the health crisis and, in the first month of confinement, an estimated loss of US $ 7,000 million was observed. This implies a strong impact of Covid-19 on the migrant sector, regarding their quality of life, timely medical care with limited possibilities of being covered by the measures created to mitigate the impact [42].

5 Discussion and Conclusions

Before analyzing the problem of migration, it should be noted that coexistence is fundamental in society, since it allows for an order within an environment of respect for each other, so that from a globalized society approach, beings humans need to integrate [4, p. 102], under the rules of international relations in a formal way, being the responsibility of governments to work together to safeguard the integrity and respect for the rights of citizens, regardless of borders [40, 41]. In order to formally comply with the signed commitments, in each country secondary laws are created based on international Treaties, which meet common criteria and needs.

Within this context, migration occurs, as a movement of people who move outside their usual place of residence, within a country or across an international border [9], this can occur in a forced way, due to violence or persecution politics, armed conflicts, natural catastrophes or diseases; and voluntary migration, when it comes to the free decision of a person, due to cultural, social or economic causes [15, p. 20], although in both cases he is an unexpected visitor and not always well received, which is why, based on the treaties, free mobility becomes a human right. In the opinion of the experts Donoso [40] and Salgado [41], in order to achieve adequate management in terms of migration, it is imperative that governments make their citizens aware of the needs and rights of the migrant population, in addition to applying related regulations to guarantee above all the integrity of people. At the discretion of the researcher, the condition of migration (forced or voluntary) does not matter, the principle of universal citizenship prevails and with it the recognition of rights that this implies.
Due to the temporary crises in Latin American countries during the 1990s, initially there was a migratory flow, from South America to Spain and Italy [17], to later intensify within the same Latin American region. This continuous process that has increased in the last 20 years, due to factors such as security, economy, political and racial condition, and employment; requires each of the states to have a regulatory framework based on norms, instruments and conditions to house temporary or permanent migrants within their territories [40, 41], which considering the dynamics of the migratory flow has forced the countries to the creation of treaties under common criteria for an agile regional application, such as CAN, Unasur and Binational Agreements.

The Montecristi Constitution (2008) raises the principle of Universal Citizenship and grants citizenship rights to immigrants in Ecuador, which, added to a dollarized economy, made it a country of origin, transit and recipient of migrants. [25]. During the last 10 years the pace and levels of migration have been significant compared to the migratory movements of citizens from other countries in the region [40, 41], being recently regulated under the Organic Law of Human Mobility created as a law comprehensive to ensure people as subjects of rights, with access to good living and citizen protection [29]. According to the researcher’s criterion, the Ecuadorian government has one of the most beneficial laws in the region in favor of the migrant, however it has not been concerned with strengthening projects that allow the insertion of foreigners without affecting the rights of nationals, even more so considering A crisis has been dragging on since 2017, so the government, in addition to meeting the needs of its citizens, must also ensure equal obligations for foreigners, which requires a legislative update, so that there is more balance.

Faced with the covid19 pandemic that affects the whole of humanity, governments must make the best decisions in a comprehensive manner, firstly mitigating the spread of the virus and secondly designing strategies to handle the deterioration of the economic aspect as a consequence of the former [32]. Within this context, as a legal obligation, governments must answer for migrants residing in the country, in vulnerable situations, mostly without work, and with scarce resources [40, 41], making themselves even more complicated because in their desperation to return to their countries of origin they find borders closed for health security. This situation is observed at a global level, which is why a gloomy future for migrants in general is looming in the medium term.

The effect of a stagnation of a good part of productive activities in the country, as a result of the COVID-19 pandemic and international uncertainty regarding its economic recovery, are the influencing factors in the results of the macroeconomic forecast for 2020, with a fall in GDP, between $7.3\%$ and $9.6\%$ [35] and a paralysis of a large part of the productive system that affects the migrant sector to a greater extent [42]. At this very difficult stage, the potentially more economically developed countries will succeed. Regarding the migratory flow, it is considered that the largest number of the population chose to remain within their countries in order to protect their own health and that of their relatives [40, 41]. According to WHO spokespersons, for at least a year, the health situation, and therefore the economic one, will not stabilize, so considering the massive layoffs at the global level, there will be limited options for local citizens and few for migrants. For the country to come out ahead, solutions must be designed that benefit
the entire population because the productive apparatus is made up of all (nationals and foreigners).

6 Conclusions

From a globalized society approach now, more than ever, human beings need to integrate, although the defense of nationalism will always be present; Within this context, the phenomenon of migration unfolds, which can manifest itself in a forced way due to political situations or events of nature and voluntary migration due to the attractiveness of the wide transformations driven by economic and commercial globalization.

As a result of this research, it is concluded that Ecuador after updating its Constitution in 2008 and immigration law in 2017, under the principle of Universal Citizenship, it became a country with open doors, and that with only a tourist visa or a basic document such as With an identity card, almost any citizen of the world could settle in the country, to carry out various activities except tourism, being able to renew their stay until they were regularized. In this way, when citizenship rights are granted to immigrants in Ecuador, an imbalance occurs especially during the last three years, due to the economic crisis in the country due to the drop in the price of oil and the high external debt, which with a lower budget It obliges to provide equal services to nationals and foreign migrants. This suggests a more balanced update of immigration law.

Another of the conclusions of this work is that in the face of the COVID19 pandemic, all the countries on the planet have had to improvise strategies to face two fronts: the health and the economic as a result of the general confinement and paralysis of most of the productive system. Due to this, governments must respond for the migrants residing in the country, since in a situation of vulnerability, nationalism and homophobia arise in the face of situations of acquired rights.

Finally, it is concluded that from an economic perspective on the immigrants’ side, remittances have an important influence on the standard of living of the relatives who receive them, helping to pay for the family budget, especially in countries like Venezuela due to the socio-economic crisis where you live. That is why considering that the health and economic situation in 2020 will not stabilize for at least one more year globally, the largest number of the population will choose to remain within their countries of origin or temporary residence, in order to safeguard its integrity. And since there will be limited options for local citizens, and few for migrants, the challenge for the Ecuadorian government is the economic and social inclusion of migrants, demonstrating solidarity accompanied by supportive actions and policies.

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