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Ecuador: Conditions for maintaining permanent resident status, including procedure for re-applying if an individual loses status after being out of the country.

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Section 18 of the Law on Foreigners (*Ley de extranjería*), which came into effect on 19 November 2004, establishes that

[translation]

[F]oreigners who are admitted as immigrants and who are legally registered [with the registry of foreigners (*Registro de Extranjeros*)] will receive a certificate that can be issued only by the director of consular services. The holder can obtain an Ecuadorian identity card with this certificate, which is the only official document that proves the right of residency. (Ecuador 19 Nov. 2004)

In a 15 June 2009 telephone interview with the Research Directorate, a consular official with the Embassy of Ecuador in Washington, DC stated that, in order to maintain permanent resident status, a person cannot be absent from the country for more than 90 days per year during the first two years after being granted such status, or for more than 18 consecutive months after the second year (International Living n.d.; see also Ecuador 1971). She added that, in the event of a *force majeure* [extraordinary event or circumstance], such as an illness, a person can remain out of the country for longer than the allowable period (Ecuador 15 June 2009). In such cases, if a person loses permanent resident status as a result, it can be reinstated (*ibid.*). The consular official could not provide additional information since, in Ecuador, reinstating permanent resident status falls under the jurisdiction of the immigration branch of the Ministry of the Interior (Dirección General de Extranjería del Ministerio de Gobierno y Policía) (*ibid.*). Further information on reinstating permanent resident status could not be found among the sources consulted by the Research Directorate.

However, section 10 of the Immigration Act (*Ley de migración*), which came into force on 12 April 2005, establishes that

[translation]

[F]oreigners—particularly those who came to the country as immigrants—who find themselves in any of the following situations, will have their permanent resident applications refused: 1) they did not register with the registry of foreigners of the Ministry of the Interior's immigration branch, 2) they did not obtain the Ecuadorian identity card (*cédula de identidad ecuatoriana*), 3) they were absent from the country or they entered as non-immigrants, and 4) they were absent from the country for more than 90 days per year during the first two years following their admission and registration, or for more than 18 consecutive months at any time, or for 18 months or more in a five-year period. (Ecuador 27 Dec. 1971)

According to the Ecuador Foreigner Services website, the following documents must be presented when applying for permanent resident status in Ecuador: an official police report for anyone 18 years of age or over, a copy of the marriage certificate (if married) or a copy of the divorce certificate (if divorced), a birth certificate for any child under 18 years of age, and a letter from the relevant educational institution attesting to the child's good behaviour (6 Feb. 2009). If one parent is travelling with a child, the other parent must provide written confirmation that he or she is in agreement with the application for permanent resident status for the child (*ibid.*). All documents must be official, notarized copies that are translated into Spanish (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Ecuador Foreigner Services. 6 February 2009. Services General Requirements.
<<http://www.ecuadorservices.com/products.aspx?tipoD=S&proD=15>> [Accessed 4 June 2009]

Ecuador. 15 June 2009. Embassy of Ecuador in Washington, DC. Telephone interview with a consular official.

_____. 19 November 2004. Ministerio de Gobierno y Policía. *Ley de extranjería*.
<<http://www.mingobierno.gov.ec/>> [Accessed 16 June 2009]

_____. 27 December 1971. Ministerio de Gobierno y Policía. *Ley de migración*. <<http://www.mingobierno.gov.ec/>>
[Accessed 16 June 2009]

International Living. N.d. Visa and Residency Information. Information on Visas and Residency in Ecuador.
<<http://www.internationalliving.com/Countries/Ecuador/Visa>> [Accessed 4 June 2009]

Additional Sources Consulted

Oral sources: The Embassy of Ecuador in Ottawa and the immigration branch of the Ministry of the Interior were unable to provide information within the time constraints of this Response.

Internet sites, including: Ecuador – 1998 Constitution, Ecuador – naturalization act, HG.org.

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