

# “To have work is to have life”

Refugees' experience  
with the right to work in Ecuador



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**Quito, June 2011**

This report was researched and drafted by Karolien van Teijlingen at Asylum Access Ecuador, a local office of Asylum Access. It was edited by Asylum Access staff. Asylum Access is a US-based international nonprofit organization dedicated to making refugee rights a reality in Africa, Asia and Latin America. We achieve this mission by providing legal information, advice and representation directly to refugees in their first countries of refuge, and by advocating for the rights of refugees worldwide.

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**In this report, Asylum Access seeks to highlight the experiences of refugees in Ecuador who have sought to exercise their right to work, and to provide a forum for refugees to speak in their own words about the role that employment plays in their lives.**

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# Executive Summary

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**Asylum Access promotes the principle that the right to work legally – including self-employment, wage earning employment, and the ability to choose one’s occupation and employer – is part of refugee security and a foundation for refugee protection generally.**

**Prohibiting refugees from engaging in lawful employment makes them more dependent on humanitarian aid. It also makes refugees – women and children – far more likely to be forced into exploitative forms of labor, quasi-slavery and survival sex to stay alive.**

**Refugees who enjoy the right to work find it essential as a foundation for rebuilding their lives and restoring their sense of dignity after escaping violence and persecution.**

## Key Findings

- Refugees in Ecuador are explicitly guaranteed by law the right to work and to start businesses. This basic protection allows many refugees to provide for their families, contribute to the Ecuadorian economy, and rebuild their lives after violence and persecution.
- Like many Ecuadorians, refugees struggle to find work, especially in the current economic crisis.
- In addition to high unemployment, many refugees struggle with xenophobia that makes some employers reluctant to hire them.
- Some refugees complain that they are denied labor protections guaranteed by law.
- Asylum-seekers with pending refugee cases have difficulty working because Ecuadorian legislation does not explicitly provide for their right to work, although the Constitution protects rights for “everyone.” This ambiguity is interpreted restrictively by both employers and government officials.

## What Asylum Access Ecuador is doing

- Asylum Access helped enshrine refugee rights in the Ecuadorian constitution, providing a legal basis for refugees' right to work.
- Asylum Access provides legal aid to dozens of refugees each year to help them access their labor rights. Their problems include discrimination in the workplace, non-payment of salaries, and unlawful firing.
- Asylum Access strives to facilitate solutions for labor disputes through non-judicial means as much as possible, which is typically more effective for refugees and their employers. Helping refugees communicate with employers by letter, accompanying them to a meeting with their employer, or training refugees on how to assert their rights to employers on their own is often effective at ending workplace disputes quickly.
- When going to court is necessary, AAE has an agreement with an Ecuadorian lawyer to file labor cases to the court on a pro bono basis. The lawyer has also

trained the AAE staff in Ecuadorian labor and employment law.

- AAE legal advocates conduct regular Know Your Rights trainings for refugees, giving them the knowledge and tools to assert their own rights.



Fishermen's shelters in San Lorenzo

# Introduction

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Ecuador, one of the smallest countries in South America, hosts the largest refugee population on the continent. In December 2010, the country counted about 54,342 registered refugees and approximately 25,312 asylum seekers.<sup>1</sup> However, the actual number of refugees in the country is likely much higher due to under-registration.<sup>2</sup>

Most refugees come from the Colombian border provinces, a region that is highly affected by internal armed conflict. It is important to realize that not all refugees in Ecuador are Colombians; a small percentage of the refugees in Ecuador come from Cuba, Nigeria or other countries, fleeing political persecution or armed conflict.

In 2009, the United Nations placed new emphasis on the loss of livelihoods suffered by refugees. The United Nations Development Program stated:

People who flee insecurity and violence typically see an absolute collapse in their human development outcomes. ... Beyond continuing insecurity, trying to earn a decent income is the single greatest challenge that displaced people

encounter, especially where they lack identity papers.<sup>3</sup>

The right to work should be at the center of humanitarian policy, even the context of emergencies. As Dr. Paul Farmer wrote about post-earthquake reconstruction in Haiti:

Jobs are everything. All humans need money – they need it to buy food and water every day. And no matter how hard the government or the aid industry tries, people will want for all three things until they are employed.<sup>4</sup>

A first step towards a decent income is the legal right to work. According to the Constitution of the Republic of Ecuador,<sup>5</sup> foreigners have the same

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<sup>1</sup> According to the information given by the Ministerio de Relaciones Exteriores, Comercio e Integración, 31<sup>st</sup> December 2010.

<sup>2</sup> According to UNHCR, in Ecuador there are 135,000 persons in need of international protection. Interview with Deborah Elizondo, UNHCR Country Representative in Ecuador, 26 Aug. 2010, at <http://www.acnur.org/t3/noticias/noticia/ecuador-acnur-afronta-desafios-tanto-en-contextos-urbanos-como-rurales/>.

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<sup>3</sup> UN Development Programme, *Human Development Report 2009: Overcoming barriers – Human mobility and development*, 62-63.

<sup>4</sup> Paul Farmer, “5 Lessons from Haiti’s Disaster,” *Foreign Policy* (Dec. 2010).

<sup>5</sup> Articles 9 and 11 of the Constitution guarantee equal rights for refugees. Article 9 states “Las personas extranjeras que se encuentren en el territorio ecuatoriano tendrán los mismos derechos y deberes que las ecuatorianas, de acuerdo con la Constitución,” or roughly: “Foreigners in Ecuadorian territory shall have the same rights and responsibilities as Ecuadorians, in accordance with the Constitution.” Article 11 part 2 states “Nadie podría ser discriminado por razones de etnia, lugar de nacimiento...condición migratoria...ni por cualquier otra distinción, personal o colectiva, temporal o permanente, que tenga por objeto o resultado menoscabar o anular el reconocimiento, goce o ejercicio de los derechos,” or roughly: “No one shall be discriminated against for reasons of ethnicity, place of birth,...migratory status, ... nor for any other distinction, personal or collective, temporary or permanent, that has the purpose or result of impairing or nullifying, the recognition, enjoyment or exercise of their rights.”

rights as Ecuadorian citizens, except in the political sphere. By law, refugees have the right to engage in paid labor or to start their own businesses and are protected against exploitation by the Ecuadorian labor code.

However, in practice these laws do not guarantee livelihood opportunities and a decent income for refugees. Refugees still face job discrimination and limited access to the financial sector. Once employed, refugees and asylum seekers often face unacceptable working conditions. In addition, legislation is vague about whether asylum seekers with pending applications have the right to work.

This report aims to provide insight into the interaction of Ecuador's legal guarantees of employment rights with the practical challenges facing refugees and asylum seekers as they pursue work in Ecuador. Our goal is to provide a snapshot of the importance of the right to work in the lives of refugees. The research is based upon open interviews with 12 recognised refugees, 3 asylum seekers and 6 NGO representatives and other stakeholders. It is not a representative survey, but aims to show the meaning of the right to work in the lives of individuals interviewed.

## Legal Protections

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### ***Refugees' right to work under Ecuadorian law***

The Ecuadorian Constitution of 2008 provides the most important legal foundation for the right to work in Ecuador. It guarantees that all foreigners in Ecuador have the same rights and duties as Ecuadorians,<sup>6</sup> and that work is both a right and a duty of all people.<sup>7</sup>

**The Ecuadorian Constitution of 2008 guarantees that all foreigners in Ecuador have the same rights and duties as Ecuadorians and that work is both a right and a duty of all people.**

However the application of this general principle has been different for recognized refugees than for asylum seekers. Recognized refugees have had their legal status formally acknowledged by the government, while asylum seekers have pending applications for recognition. Asylum seekers in Ecuador can wait between 3 months and several years for their status to be resolved.

The right to work for recognized refugees is specifically codified in the Regulations of the Immigration Law (*Reglamento a la Ley de*

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<sup>6</sup> Art. 9, Constitution of Ecuador.

<sup>7</sup> Art. 33, Constitution of Ecuador.



*Extranjería*), Article 42(VII)(a), which states: “The Ministry of Foreign Affairs authorizes the holder of a 12-IV [Refugee] visa to engage in paid employment, without any other requirements.” This section is quoted on Refugee Identity Cards issued by the Directorate General of Refugees.

The only legal limit on refugees’ right to work is that they are prohibited from entering civil service careers, which are restricted to Ecuadorian citizens.<sup>8</sup> An informal barrier to refugee employment is that, despite the clear language of the Regulations of the Immigration Law, some employers misinterpret the Labor Code, believing that refugees, like other foreigners, must have a work permit as well as a visa. In response to this problem, the Ministry of Labor will issue temporary work permits to refugees upon request.

### ***The right to work for asylum seekers***

For asylum seekers, Ecuadorian law is more ambiguous. No law specifically permits asylum seekers to work. For instance, Ecuador’s Immigration Law, which is often applied to asylum seekers and undocumented persons, states only that foreigners with immigrant visas,<sup>9</sup> refugee visas<sup>10</sup> or temporary work visas<sup>11</sup> are permitted to work. The Labor Code says that only foreigners with those three types of visas can apply for a work permit.<sup>12</sup>

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<sup>8</sup> Arts. 4, 6, Civil Service and Administrative Career Law.

<sup>9</sup> Art. 10, Immigration Law.

<sup>10</sup> Art. 42, Regulations of the Immigration Law.

<sup>11</sup> Arts. 33, 44 and 47, Regulations of the Immigration Law.

<sup>12</sup> Art. 560, Labor Code.

In practice, asylum seekers and undocumented migrants are not punished for working, but their employers can still be fined between \$400 and \$4000 or imprisoned between 6 months and 3 years for violating the law.<sup>13</sup> This is an indirect restriction on an asylum seeker’s ability to find employment.

While the constitution prohibits discrimination against foreigners based on migratory status, it is unclear whether this prohibits the government from restricting people who lack a recognized legal status from working. This legal ambiguity puts asylum seekers in a precarious position.

*“I would like to get the refugee visa; it would be good to have documents in order to change to a better earning job and to have more possibilities. Because, without papers, you cannot work. You can only get jobs that pay 100 or 50 US Dollar per month.”* (Male asylum seeker in San Lorenzo, 22).

*“In restaurants or the palm tree farms, where they pay you for each sack you fill ... the work is only temporary but they do not ask for your documents. So, for not having documents, I am going from one job to another job. Because getting a stable or formal job ... that is hard without documents.”* (Female asylum seeker in San Lorenzo, 53)

Many actors within civil society, including the Ecuadorian Ombudsman Office, Asylum Access, Hebrew Immigrant Aid Society (HIAS), and others

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<sup>13</sup> Art. 37(III), Migration Code.



believe this situation should change. The right to work for asylum seekers should be given explicitly by Ecuadorian law:

*“I think asylum seekers should be able to work. The refugee status determination process normally takes more than 6 months. It is common sense that asylum seekers should have access to an income during that period.”* (Patricio Benalcazar, Ecuadorian Ombudsman Office)

**Asylum seekers in Ecuador can wait between three months and several years for their migratory status to be resolved.**

### ***Legally-mandated working conditions***

The Ecuadorian Constitution provides that the state must ensure the right to dignified work.<sup>14</sup> The Labor Code specifies the minimal work conditions an employer in Ecuador should provide. For example, a person can work a maximum of 8 hours per day and 40 hours per week.<sup>15</sup> Extra hours should not exceed 4 per day and 12 per week, and should be paid at least 50 percent more than ordinary working hours.<sup>16</sup>

<sup>14</sup> Art. 33, Constitution of Ecuador.

<sup>15</sup> Art. 47, Labor Code.

<sup>16</sup> Art. 55, Labor Code.

All workers employed in the private sector should earn at least the minimum wage<sup>17</sup> which was established at 240 US Dollars per month for 2010.<sup>18</sup> They also have the right to receive a year-end bonus equivalent to one month's salary and a holiday bonus equivalent to one month of minimum wage.<sup>19</sup> The labor code also states that an employee should enjoy a holiday of at least 15 uninterrupted days per year.<sup>20</sup>

The Ecuadorian government is currently engaged in an ambitious campaign to ensure that the right to dignified work guaranteed by the Constitution<sup>21</sup> is protected in practice. To ensure that employers are complying with labor laws, the Ministry of Labor employs labor inspectors who visit large employers to ensure compliance, and receive complaints and manage mediation sessions involving any employer. All people have access to Ministry of Labor inspectors, regardless of their migratory status.

According to Ecuador's domestic law and its international treaty obligations, the state must enforce labor laws in a manner that does not discriminate based on migratory status.<sup>22</sup> Under the International Convention on the Protection of the Rights of All Migrant Workers and Members

<sup>17</sup> Art. 117, Labor Code.

<sup>18</sup> Reuters (2009) *Ecuador eleva salario mínimo en 10 pct a 240 dólares para 2010*. Retrieved Nov. 24, 2010 <http://www.reuters.com/article/2009/12/31/economia-ecuador-salario-idARN3124933920091231>.

<sup>19</sup> Art. 111, Labor Code.

<sup>20</sup> Art. 69, Labor Code.

<sup>21</sup> Art. 33, Constitution of Ecuador.

<sup>22</sup> Art. 11, Constitution of Ecuador.

of their Families,<sup>23</sup> and its interpretation by the Inter-American Court of Human Rights in Advisory Opinion O/C 18-03, states do not have an obligation to grant migrants a right to work. However, once a migrant begins working, with or without authorization, certain labor protections regarding the conditions of work attach.<sup>24</sup>

**Once a migrant begins to work in Ecuador, they must be given basic labor rights under domestic and international law, regardless of status.**



A refugee fisherman in San Lorenzo

Ecuador accepts that once a migrant begins working, her employer is required to respect basic employment rights as laid out in the Labor Code. This means that not only refugees, but also employed asylum seekers and undocumented migrants have access to Labor Inspectors and the Ecuadorian courts to demand their rights, including back pay, remuneration for unjust firings, social security and other benefits.

<sup>23</sup> Ratified by Ecuador on July 1, 2003.

<sup>24</sup> OC-18/03, Inter-American Court of Human Rights, paragraph 133. (Sept. 17, 2003).

# The Right to Work in Practice

## Refugees in Ecuador face a range of challenges:

- ◆ Discrimination based on place of origin and migratory status;
- ◆ Xenophobia and negative stereotypes;
- ◆ Difficulties meeting professional certification requirements;
- ◆ Ignorance of the law;
- ◆ Lack of access to loans and bank accounts.

### **Context: the Ecuadorian economy**

The right to work does not guarantee employment. Challenging economic conditions are likely to be a particular strain on newcomers, such as refugees, seeking to enter the labor market. Ecuador is one of the smallest South American countries and has a total population of about 14.8 million with a labor force of 4.77 million.<sup>25</sup> The GDP per capita is 7.500 USD, which ranks the country 126<sup>th</sup> in the world.<sup>26</sup> About 35 percent of the population lives below the poverty line.<sup>27</sup>

The Ecuadorian economy is characterized by a high unemployment rate, approximately 9.1 percent.<sup>28</sup> On top of that, there is a high level of

underemployment, at 49.6 percent.<sup>29</sup> The informal sector makes up a large part of the Ecuadorian economy, with 42.5 percent of the labor force having an informal job.<sup>30</sup>

## 1. Esmeraldas and San Lorenzo

Eleven of the fifteen interviews of refugees and asylum seekers were conducted in Esmeraldas and San Lorenzo. Esmeraldas is the capital of Las Esmeraldas, a province located on the northeast coast of Ecuador. In 2001, when the last national census was taken, the city of Esmeraldas had a total population of about 158,000, mainly Afro-Ecuadorian descendents.<sup>31</sup> It is likely that the population has grown over the last decade. San Lorenzo is a small coastal town near the border of Colombia with an estimated population of 15,600.<sup>32</sup>

The two cities face different economic situations than Ecuador generally, due to higher unemployment and greater reliance on the informal economy. The coastal region in general has a higher unemployment rate (11.2 percent) and a larger informal sector (44.7 percent) than Ecuador overall.<sup>33</sup> The province of Esmeraldas has

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<sup>25</sup> Central Intelligence Agency (2010) *The World Factbook on Ecuador*. Retrieved Nov. 24, 2010 from <https://www.cia.gov/library/publications/the-world-factbook/geos/ec.html>.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

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<sup>29</sup> Instituto Nacional de Estadísticas y Censo (INEC) (2009) *Indicadores Mercado Laboral Septiembre 2009*. Retrieved Nov. 19, 2010 from: [http://www.inec.gov.ec/web/guest/ecu\\_est/est\\_soc/enc\\_hog/enc\\_emp\\_sub](http://www.inec.gov.ec/web/guest/ecu_est/est_soc/enc_hog/enc_emp_sub)

<sup>30</sup> *Id.*

<sup>31</sup> INEC (2001) *CENSO Cantón Esmeraldas*.

<sup>32</sup> Cooperativa Coordinadora Nacional para la Defensa del Ecosistema Manglar del Ecuador (CCONDEM) (2005) *Datos Socioeconómicos*. Retrieved 25 Nov. 2010 from <http://www.ccondem.org.ec/cms.php?c=257>.

<sup>33</sup> INEC (2009) *Indicadores Mercado Laboral Septiembre 2009*. Retrieved Nov. 19, 2010 from:

a relatively high level of poverty – 24.3 percent – indicating that the population has minimal access to health care, education, work, and clean drinking water.<sup>34</sup> However, this percentage can vary locally.

María Benalcazar, who works for the Refugee Education Trust in Ecuador's Northern provinces, said:

*"We deal with high underemployment and unemployment rates here and the logic of the labor markets in these provinces differs from the national situation. What moves the economy, especially in Esmeraldas and Sucumbíos, is informal trade, from informal food vendors to clothes and shoes. The next sector where most of the population is employed is informal domestic work. The consequence is that only a few have a contract or a fixed wage and many work in exchange for housing or meals."*

Because of its proximity to the Colombian border, San Lorenzo has a large population of Colombians, including Colombian refugees. An interviewed resident of San Lorenzo said:

*"San Lorenzo is very close to the border, so Ecuadorians and Colombians travel back and forth passing the border and they [Colombians] have a lot of family*

*here. I think half of San Lorenzo's population is Colombian. So they feel good here because there is another ambience here."* (Worker at a clothing factory, 26)

## 2. Quito

Three refugees from Quito were interviewed. In Ecuador, 30 percent of all recognized refugees and 35 percent of all asylum seekers reside in the capital Quito.<sup>35</sup> In contrast to the situation in the coastal region, in Quito the unemployment rate of 5.8 percent is lower than the national average<sup>36</sup> and the informal sector employs only 37.2 percent of the work force.<sup>37</sup>

The percentage of refugees employed informally is far higher in Quito: 90 percent.<sup>38</sup> The municipality has various projects to promote the integration of the refugee population, such as capacity-building programs and a job-referral

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[http://www.inec.gov.ec/web/guest/ecu\\_est/est\\_soc/enc\\_hog/enc\\_emp\\_sub](http://www.inec.gov.ec/web/guest/ecu_est/est_soc/enc_hog/enc_emp_sub).

<sup>34</sup> Sistema Integrado de Indicadores Sociales del Ecuador (SIISE) (2003) *Tendencias de Desarrollo Social en el Ecuador: 1999-2003*. Retrieved 25 Nov. 2010 from: <http://www.siise.gov.ec/IpPublicaciones.htm>. 34.

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<sup>35</sup> Latin American Faculty of Social Sciences (FLACSO) & United Nations Office of the High Commissioner for Refugees (UNHCR) (2010) *Estudio sobre la población colombiana con necesidad de protección internacional (PCNPI) en centros urbanos de Ecuador: el caso de Quito y Guayaquil*. Presentation held Dec. 14, 2010.

<sup>36</sup> Banco Central del Ecuador (2010) *Desempleo Quito: últimos dos años*. Retrieved Nov. 26, 2010 from: [http://www.bce.fin.ec/indicador.php?tbl=desempleo\\_quito](http://www.bce.fin.ec/indicador.php?tbl=desempleo_quito).

<sup>37</sup> INEC (2009) *Indicadores Mercado Laboral Septiembre 2009*. Retrieved November 19, 2010 from: [http://www.inec.gov.ec/web/guest/ecu\\_est/est\\_soc/enc\\_hog/enc\\_emp\\_sub](http://www.inec.gov.ec/web/guest/ecu_est/est_soc/enc_hog/enc_emp_sub).

<sup>38</sup> FLACSO & UNHCR (2010) *Estudio sobre la población colombiana con necesidad de protección internacional (PCNPI) en centros urbanos de Ecuador: el caso de Quito y Guayaquil*. Presentation held at Dec. 14, 2010.

service. However, refugees and asylum seekers continue to live in marginal situations.<sup>39</sup>

### ***Obstacles to finding work***

Like Ecuadorians, refugees face a difficult labor market. However, they also face additional challenges because they are foreigners, including xenophobia, misapplication of immigration and labor laws, and lack of access to financial systems.

*“In the field of labor, the obstacles that refugees face are the same as those Ecuadorians face because of the problems in the labor market, plus xenophobia.”* (María Benalcazar, RET)



**A Colombian refugee at work**

## **1. Xenophobia and Discrimination**

Many Ecuadorians have negative prejudices about foreigners, which leads to the rejection of refugee job applicants because of their nationality and/or race.

*“I would like to have a job in the formal economy, but they will not give me such a job for being Colombian. It does not matter whether you are a qualified professional... that does not matter, they will not accept you.”* (Male refugee in Esmeraldas, hair dresser, 45)

*“In one restaurant a woman told me no because I am Colombian, and that Colombians are bad people. I haven’t tried again because of this discrimination.”* (Female refugee, unemployed, 20)

According to the refugees interviewed, this discrimination is caused by negative images of Colombians and Cubans within Ecuadorian society. In part, these images are fostered by the negative messages about violence and crime in Colombia in the media.

*“We face rejection here. Employers prefer Ecuadorians and also they have a bad image of who we are as Colombians. They say we are narco-traffickers, guerilla fighters and paramilitaries, and in general we are delinquents. They fear us, and from this fear comes the rejection. I have experienced it directly when I tried to look for work and they told me directly that they did not accept*

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<sup>39</sup> UNHCR, 2010.

*Colombians.*" (Male refugee in Quito, magazine editor, age unknown)

*"It is the image, they see Colombians as the worst of the worst. [As though] we are all drug traffickers, guerillas, criminals... in the news they only show the negative side of the people, right? And people who do not know the positive side of Colombians, they will stick with that bad image."* (Male refugee in Esmeraldas, hair dresser, 45)

Most respondents report that the discrimination they face is based on their nationality, not on their refugee status:

*"I have a refugee identification card but I really never had to show my refugee card before getting a job. For example, here [at my current job] they do not even know that I am a refugee."* (Male refugee, theater director, 39)

However, there are contexts where national stereotypes may play to refugees' advantage. For example, in the textile industry Colombians are reportedly welcomed because of their perceived expertise. Colombians and Cubans are reportedly sought as salesmen because they are perceived as having more extraverted personalities. One refugee, a Cuban theater director, 39, acknowledged that in his field of work being a foreigner can also be an asset in getting jobs:

*"In 50 percent of the cases, being a foreigner helps me getting more jobs. Some people think that a foreign product is of better quality and they can use it for marketing."*

To avoid job discrimination, some of the interviewees are considering changing their legal status and obtaining Ecuadorian citizenship, despite the high procedural cost. They believe they will have better opportunities when they possess an Ecuadorian ID card. Others are sure they will never consider this step:

*"Maybe with an Ecuadorian ID card they will give you a job, but I never thought of getting such a card. I am a Colombian until God allows me to be one."* (Male refugee in Esmeraldas, hair dresser, 45)

## 2. Misunderstanding of the Law

Ignorance of the law also affects some recognized refugees, even though they have the explicit right to work in Ecuadorian law. Many employers are confused about their documentation and ask for a work permit. For this reason the Ministry of Labor dispenses a free work permit to refugees. This work permit expires within 3 months, which is a huge obstacle for refugees according to the staff members of the Labor Orientation Service of HIAS:

*"It is terrible that the [refugee] work permit must be renewed every three months, while an ordinary work contract is normally for one year. The permit is free and there is not a lot of paperwork required to renew it, but the problem is that the refugee has to go every three months to an office of the Ministry of Labor and those offices are centralized. So people who do not live near an office*



*must travel all the way to Quito to get [the permit] renewed.”*

Another documentation-related difficulty is that refugees often do not have documents needed to prove their qualifications to practice certain professions. A 51-year-old unemployed female refugee from Esmeraldas who was educated as a lawyer in Colombia told Asylum Access:

*“I am a lawyer and to exercise this profession here, I must get an Ecuadorian license. In order to obtain that license I must study at the university for three and a half years. And the problem is... I do not have the financial means to do so.”*

### **3. Access to Financial Institutions**

Access to the financial system is another obstacle. The rules and requirements used by banks impede access to loans and, in some cases, bank accounts:

*“Refugees encounter many problems getting loans. The banks do not give loans to refugees. Their refugee condition and the fact that they are foreigners, creates a lot of distrust by the financial institution.”* (Patricio Benalcazar, Ecuadorian Ombudsman Office)

*“They just told me at the bank that refugees cannot open a bank account.”*  
(Female refugee in Ambato, restaurant owner, 35)

The lack of access to loans and bank accounts creates many problems, especially for

entrepreneurs and refugees who want to start their own businesses:

*“Access to the financial system is a big obstacle for people who want to start their own business or people who want to work. If you cannot open a bank account, where will people save their money, how can they cash a check, how can they make transfers for their businesses? [...] Loans can be used to start a small business; it is very important.”* (Staff members of the Labor Orientation Service of HIAS)

*“Our restaurant has a contract with some engineers from Quito and they wanted to transfer the money from Quito to our bank account. But we as refugees cannot open an account, so that is a problem.”* (Female refugee in Ambato, restaurant owner, 35)

### **Working conditions**

Both refugees and asylum seekers who are employed have the same workplace rights as all Ecuadorian citizens. These rights include a minimum wage, limited working hours and access to social security. However, all interviewed refugees explained that they endure conditions of work that do not comply with Ecuadorian law.

Many of the interviewees reported they were paid far less than the minimum wage or forced to work extra hours without adequate extra payment:





A Colombian refugee at a her job at a clothing factory

*"I worked seven days a week, eight hours a day but they only paid me 150 US dollar a month. Besides that, I never had holidays."* (Female refugee in Quito, worked in a gym, 48)

*"I worked every day from seven in the morning till eight in the evening at a restaurant and I only got paid five US dollars a day."* (Female asylum seeker in San Lorenzo, 53)

Some refugees reported never being registered in the social security system by their employers, even while employers withheld a portion of their wages for social security.

Some refugees felt they were exploited because of their nationality; others said all employees in their company were taken advantage of equally.

*"I felt exploited, but they told me that it was not exploitation because I am a Colombian and that is what they pay to Colombians."* (Female asylum seeker in San Lorenzo, 53)

*"No, they only exploited me. Because I am Colombian and they told me that I do not have rights here in Ecuador. They did not do it to me because I am a refugee. No, no it is because I am a Colombian. My colleagues were paid the normal wage and they registered them for the security and so on..."* (Female refugee in Quito, worked in a gym, 48)

*"They just stole money from all their employees, Ecuadorian and Colombians. Not only from us..."* (Refugee in San Lorenzo, self-employed, 36)

When asked why they accept poor work conditions, refugees said they were desperate and had little choice:

*"As a refugee you come to Ecuador and leave everything behind. You only have a bag with you. So when you arrive, you have to sleep on the floor, without pillows, without anything. So you have big needs. And because of those needs you accept the conditions."* (Female asylum seeker in San Lorenzo, 53)

Asylum seekers who lack documents are under particular pressure to accept sub-standard work conditions because they are in a weak negotiating position. An asylum seeker, 22, who works as a fisherman in San Lorenzo explains:

*"Here, I work for a low wage. I get paid for the amount of fish I catch so the wage is very irregular. Sometimes we stay two entire days at the sea and we earn like five US dollars a day. But I have to accept this because I lack the*

*documents to work. They define the conditions and I cannot claim for more because I do not have the documentation.”*

The shortage of employment opportunities in the Ecuadorian labor market and the abundance of low skilled employees make refugee and asylum seekers’ negotiating positions even weaker:

*“When I tried to assert my rights, my boss told me that as a Colombian I should be grateful I even have a job and I should not ask for more. She told me that she could fire me, since there were plenty of other people who could take my job. So I feared they would fire me whenever they wanted to.”* (Female refugee in Quito, worked in a gym, 48)

### **Self employment**

Many of the refugees who were interviewed are self-employed. They generate their own employment and create their own working conditions.

*“I think 90% of the Colombians here are self-employed. They start their own business or they work informally on the streets selling food, clothes or souvenirs... They do this because there is no employment, because of the rejection we face and to avoid exploitation.”* (Male refugee in Quito, magazine editor, age unknown)

*“I felt better in my former job. I sold arepas in the streets, and all the money I made during the day was for myself. It is*

*much better to be your own boss.”* (Male refugee in San Lorenzo, fisherman, 29)



**A hairdresser in his own salon in Esmeraldas**

*“[Self-employed work] is easier to find, it provides everyday income and it is an option within everyone’s reach. Many refugees prefer to have their own business and to know they work for their own income.”* (María Rosa Cajas, Fundación Ambiente y Sociedad)

Although self-employment is preferred by many refugees, it has downsides. A hair dresser from Esmeraldas, 45, said:

*“There are also negative aspects: If I do not work, I have no income. And all the benefits an employer can give you, like a fixed wage, paid holidays, social security, loans et cetera... I do not have those things.”*

New businesses often struggle to obtain permits and registration. Therefore, many businesses

operate in the informal sector, which can cause problems with the authorities:

*“In order to formalize and get a selling permit as a street vendor, an applicant must meet tons of requirements that make the progress of the business harder. And when they do not have the permit, they are persecuted in the streets by the police, they are accused by other street vendors and they cannot be part of an association.”* (Patricio Benalcazar, Ecuadorian Ombudsman Office)

### **Insecurity**

Lack of security can be an obstacle to finding work. Some refugees fear meeting their persecutors in the street. This makes the search for jobs difficult, since it requires them to go out in the streets and interact with unknown people. This is especially true in towns close to the border, such as San Lorenzo and Esmeraldas.

*“More or less a year ago, I received death threats from some Colombians that come from the same Colombian town as I do. Because Colombia is so near, I see many people from my village here in this city. Now I cannot go out to the streets, I am afraid. I cannot have a job on the streets, and I cannot go out a lot to look for a job.”* (Refugee in Esmeraldas, unemployed, 51)

Even if a refugee is employed, the sense of insecurity can be an obstacle to going to work or to staying at one job for a long time:

*“Sometimes I do not go out to the streets to sell, because someone told me that*

*there are people from my village in Colombia in town. So I avoid the streets or I hide, because you really have no idea whether those people are involved in drug trafficking, or in the guerilla forces.”* (Refugee in Esmeraldas, street vendor, 32)



**A street vendor working in Esmeraldas**

*“Security influences the stability and the work situation of refugees a lot. Persecution from Colombians forces them to change jobs, houses or even forces them to be resettled to another country.”* (Patricio Benalcazar, Ecuadorian Ombudsman Office)

For some refugees, work itself can be the reason for a sense of insecurity. Risky work conditions, threats, or discrimination by employers or colleagues cause an uncomfortable or insecure feeling:

*“There is crime at sea, they want to steal your motor or boat and they sometimes even kill people. It is not safe out there. You put your life at risk going out there.”* (Male refugee in San Lorenzo, fisherman, 23)

*“Sometimes the boat owners threaten that if we lose anything of the equipment or don’t bring in enough catch, we have to pay, they take it out of our already low wages or they will come to our homes.”* (Male refugee in San Lorenzo, fisherman, 22)



A fisherman and his catch

*“I felt insecure at my former job. My bosses reprimanded me and humiliated me.”* (Female refugee in Quito, worked in a gym, 48)

## The Importance of Work to Refugees

The ability to work helps to financially empower refugees and asylum seekers. Asylum seekers often arrive in Ecuador with few possessions and limited resources. All interviewees responded that having an income enables them to meet basic needs – like housing, nutrition, education and health – for themselves and their families.

The importance of safe, fair, and lawful employment is best expressed by the refugees we worked with on this report:

*“Work gives a person the opportunity to educate their children, to feed them, and to have a home.”* (Male refugee in Quito, magazine editor, age unknown)

*“A lot has changed. Since I work, I can buy a mattress and a bed. And later I might be able to buy an apartment, paying little by little.”* (Female asylum seeker in San Lorenzo, 53)

*“Look, work is a fundamental part of a person’s life. If a person has a job, he has education, health... he has it all. If a person does not have a job, he has nothing.”* (Refugee in Esmeraldas, Street vendor, 32)

*“With the money I’ve earned I’ve been able to buy things for my children. It is good because without eating my children cannot go to school, so for this work is good.”* (Fishermen from San Lorenzo, 23)



*“Work is important. It gives you identity and respect.”* (Male refugee in Quito, magazine editor, age unknown)

*“Being capable of working and sustaining yourself is fundamental for a person’s well-being and provides stability.”* (María Rosa Cajas, Fundación Ambiente y Sociedad)

*“Work gives a person the opportunity to educate their children, to feed them, and to have a home.”*

Access to jobs also gives refugees contact with Ecuadorian society and provides an opportunity to integrate. Integration is considered crucial to reach sustainable solutions for refugees.

*“Since we have this restaurant, our contact with Ecuadorians increased. Most of our clients are Ecuadorians and they all like our restaurant and the food.”* (Female refugee in Ambato, restaurant owner, 35)

*“A refugee who is able to obtain a job will go through an enormous change. The person will start to feel included in the society and the person will get in contact with other people. It contributes to the integration into Ecuadorian society.”* (Patricio Benalcazar, Ecuadorian Ombudsman Office)

Legal work needs to also be safe work. Not all interviewees perceive the ability to access work as the end-all solution. Some refugees are able to

work, but face difficult work conditions that make them feel exploited:

*“This job provides me with just enough money to buy food, but nothing else. To live a dignified life, this is not enough.”* (Male refugee in Esmeraldas, street vendor, 32)



Street vendors selling in Esmeraldas

*“Access to work does not guarantee that they will grow out of poverty, but just provides them with enough to survive from day to day.”* (María Benalcazar, RET)



A refugee at the clothing factory where she works

Many interviewees expanded on the importance of work beyond the discussion of everyday practical necessities. These individuals saw a rights-based argument, and pointed out the responsibility of a host country to ensure refugees' security and development:

*"It is very important that refugees have a legal way to sustain themselves. It is really fundamental. If a country accepts refugees, but does not give them the legal right to work... they create a very big problem and do not comply with international agreements."* (Staff members at a Labor Orientation Service in Ecuador)

*"Imagine, to have work is to have life. If a person cannot work, they cannot eat, they cannot have a home...so we have seen that the right to work is the most important thing."* (Colombian immigrant and director of a clothing factory in San Lorenzo, 38)

***"Imagine, to have work is to have life. If a person cannot work, they cannot eat, they cannot have a home...so we have seen that the right to work is the most important thing."***

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