

The U.S.-Ecuador Asylum Cooperative Agreement: Why It Fails the Law and Endangers Asylum Seekers

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In 2025, the United States and Ecuador entered into an Asylum Cooperative Agreement (ACA), under which the United States can transfer asylum seekers to Ecuador to seek protection there instead of in the United States. The ACA with Ecuador is one of at least six such agreements the Trump administration has signed as part of a broader strategy to offshore America's refugee obligations (see CGRS's [ACAs two-pager](#)).

The Immigration and Nationality Act permits the government to enter into agreements to remove asylum seekers to third countries, but only where those countries provide access to a full and fair asylum procedure and the transfer will not expose the person to persecution or torture. The Trump administration's ACAs fail to meet these requirements. CGRS and partners are challenging the rule and associated policies in [U.T. v. Bondi](#).

The sections below examine the terms of the Ecuador ACA, its use in U.S. immigration courts, and why the agreement with Ecuador fails to meet the standards required by U.S. law.

The Agreement and Its Implementation

The U.S.-Ecuador ACA was concluded through an exchange of diplomatic notes between both governments in July 2025 that were published in the [Federal Register](#) in November 2025. Under the agreement, the United States may propose the transfer of third-country nationals who have sought protection in the United States to Ecuador to seek protection there instead. Ecuador retains discretion to accept or deny individual transfers.

The diplomatic notes are notably vague. They do not offer information on eligibility criteria, restrictions on nationality, or a cap on the number of transfers. The agreement contemplates that a "subsequent instrument," as exists for the agreement with Honduras, will define eligibility criteria, though no such instrument has been made public. Ecuadorian government officials have stated that the agreement has an [annual cap](#) of 300 individuals, something U.S. officials have disputed. Since November 2025, more than [8,000](#) non-Ecuadorian nationals have had Ecuador designated as a country of removal pursuant to the ACA in immigration court after the Department of Homeland Security moved to pretermite, or terminate, their cases.

There is no government transparency on actual removals to Ecuador. Transfers are reported to have begun in [January 2026](#), though the exact number of individuals removed to date remains unknown.



CGRS maintains an extensive database of reported individual immigration court decisions across the country. Of the nearly 100 outcomes reported in which a person was ordered removed to a third country pursuant to an ACA since November 2025, approximately one-third included Ecuador as a country of removal. Most of the cases are Venezuelan nationals, but the list also includes Colombians, Cubans, Guatemalans, Hondurans, Mexicans, Nicaraguans, and Peruvians; 41 percent are women.

Ecuador Cannot be Considered a Safe Third Country

Ecuador fails to meet the statutory requirements that must be satisfied before asylum seekers can lawfully be sent there. Its asylum system is inadequate, and those transferred face serious risks of harm.

Absence of a Full and Fair Asylum Process

Ecuador is a middle-income country with a population of only 18 million. By 2025, the Office of the UN High Commissioner for Refugees (UNHCR) [counted](#) over 465,000 internationally displaced people within its borders, representing approximately 2.5 percent of its population and one of the largest such populations in Latin America. Its asylum system is modest in scale, with only roughly [80,000 refugees](#) recognized in nearly five decades, the vast majority of them from Colombia.

The country has struggled to meet the protection needs of the significant displaced population it hosts, and its system is strained before accounting for any additional caseload from ACA transfers. Between 2021 and 2025, fewer than [27,000 people](#) applied for asylum in Ecuador, a strikingly low figure against a displaced Venezuelan population of over 400,000. During that same [period](#), around 10,000 cases were closed without a decision on the merits, and fewer than 20,000 were adjudicated.

The [Organic Law on Human Mobility](#) and its accompanying [regulation](#) define and establish procedures for refugee status determinations. In practice, significant barriers prevent asylum seekers from accessing protection. For example, applicants have only 90 days from entry to apply for asylum, and information about how to navigate the process is not readily available to those who need it. Additionally, civil society organizations have [documented](#) instances in which migration officials have actively discouraged Venezuelans from pursuing refugee status, with reports of officials telling applicants that recognition was unlikely.

The [2025 reforms](#) to the Human Mobility Law introduced measures that erode [due process](#) and restrict access to asylum. Security and intelligence authorities can now block asylum applications before their merits are examined, based on undisclosed threat assessments that effectively substitute for the individualized analysis international law requires. The reforms also set a parallel expedited deportation regime that permits the summary removal of foreign nationals who have not been convicted of any crime, based on pretrial detention alone. The procedure allows as little as 24 hours for a detained individual to mount a defense.

The reforms also affect those who have already been recognized as refugees. In Ecuador, refugee status requires renewal two years after the initial grant. The law now provides that failure to renew can trigger a full reassessment of refugee status, potentially requiring individuals to undergo the determination process again or face deportation.

Together, these measures and challenges paint a picture of an asylum system that cannot meaningfully protect those already within its borders, let alone those the United States seeks to transfer there.

Pervasive Violence and Dangers for Asylum Seekers

Violence in Ecuador has reached a scale the state cannot contain. Since 2020, the country has experienced a dramatic [increase in violence](#) driven by the expansion of international drug trafficking organizations, which have engaged in homicides, extortion, prison massacres, kidnappings, and forced recruitment. The situation has grown so severe that U.S. and Ecuadorian military forces recently launched [joint operations](#) to combat drug cartels.

Ecuador's homicide rate reached a [record high](#) in 2025, rising 31 percent from 2024 to 50.9 per 100,000 people. Civil society organizations [documented](#) 411 femicides in the country in 2025 alone. Violence has become increasingly [dispersed and volatile](#), characterized by the recruitment of minors and the use of explosives. Law enforcement operations targeting criminal leaders have fragmented established gangs into smaller, more aggressive factions that form unpredictable alliances, creating further instability.

The growing crisis has forced people from their homes. According to the [International Organization for Migration](#), approximately 125,000 people, including refugees and others already displaced, have been internally displaced within Ecuador over the past five years. Conflict and violence account for 60 percent of this displacement, while disasters account for 40 percent. Between January and October 2024 alone, over [80,000 individuals](#) were displaced due to insecurity, with survey data indicating that all respondents experienced violence, including robbery, sexual assault, or homicide, while nearly half reported being victims of extortion.

Refugees and asylum seekers are not shielded from this danger. UNHCR has [documented](#) that refugees and other displaced people in Ecuador live in fear of criminal gang violence, extortion, and gender-based violence, with many staying home and avoiding going outdoors as a self-protection measure. Criminal and violent practices have become normalized in many of the communities where they live. Amnesty International [found](#) that Venezuelan refugee women face widespread gender-based violence while being denied access to justice and safe shelters, with institutional xenophobia compounding their vulnerability.

This denial of justice reflects a broader collapse of accountability in Ecuador. Organized crime has [systematically infiltrated](#) Ecuador's justice system, with criminal networks using bribes ranging from \$1,000 to over \$100,000 to manipulate legal proceedings. The state faces a deficit of at least 600 prosecutors, and officials lack basic protection. The resulting impunity is severe. An estimated 90 percent of investigations into violent offenses never progress past a preliminary stage.

Barriers to Integration and Basic Needs

With 28 percent of the population, approximately 5.2 million people, living in [poverty](#), Ecuador's capacity to absorb and protect additional vulnerable populations is severely limited. Structural economic exclusion and escalating violence have pushed large numbers of Ecuadorians to leave. Approximately 10 percent of Ecuadorian nationals now live abroad. In 2024 alone, over 90,000 Ecuadorians entered Mexico irregularly, and [CBP](#) has recorded more than 250,000 encounters with Ecuadorian nationals since 2023.

Refugees and migrants in Ecuador face severe hardship meeting their most basic needs. Even the Department of State has documented that [discrimination](#) creates barriers to their integration and limits their access to housing, employment, and education. Among Colombian [households](#), 84 percent lack access to basic needs and 31 percent lack access to employment. For Venezuelans, 55 percent lack access to food, 67 percent to adequate housing or shelter, and 53 percent to stable livelihoods. A severe humanitarian funding gap makes this worse. UNHCR in Ecuador has received only 7 percent of its total funding needs for this year, and many NGOs [working in the country](#) have had to suspend or significantly reduce their services, further limiting the support available for this population.

Congress Must Act

The U.S.-Ecuador ACA is being used to strip people of their right to seek asylum and expose them to serious harm. Congress should demand transparency on transfers under the agreement, hold oversight hearings on Ecuador's human rights conditions and its asylum system, and condition further funding and implementation on demonstrated compliance with the statutory requirements Congress established.