



DEPARTMENT OF HOMELAND SECURITY

Agreement Between the Government of the United States of America and the Government of the Republic of Ecuador Relating to the Transfer of Third-Country Nationals to Ecuador

AGENCY: Department of Homeland Security

ACTION: Notice of Agreement.

SUMMARY: The Department of Homeland Security is publishing the Agreement between the Government of the United States of America and the Government of the Republic of Ecuador relating to the transfer of third-country nationals to Ecuador, effected by exchange of diplomatic notes on July 16, 2025 and July 23, 2025. The text of the diplomatic notes is set out below.

(Authority: 8 U.S.C. 1158(a)(2)(A).)

Joseph N. Mazzara,
Acting General Counsel
U.S. Department of Homeland Security

No. POL 520/2025

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Human Mobility of the Republic of Ecuador. The Embassy, on behalf of the Government of the United States of America, has the honor to propose the following Agreement between the Government of the United States of America and the Government of the Republic of Ecuador (hereinafter referred to individually as a "Party" and collectively as the "Parties").

Under this Agreement, the Parties seek to ensure the dignified, safe, and timely transfer from the United States to Ecuador of third-country nationals present in the United States who may seek international protection against return to their home country or country of former habitual residence. The Government of the United States of

DIPLOMATIC NOTE

America shall in its complete discretion propose to the Government of the Republic of Ecuador the transfer of such third-country nationals, and the Government of the Republic of Ecuador shall in its complete discretion consider accepting such a proposal in whole or in part. Both Parties' actions under this Agreement shall be in accordance with their obligations under the 1951 Convention Relating to the Status of Refugees, done at Geneva on July 28, 1951; the Protocol Relating to the Status of Refugees, done at New York on January 31, 1967; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on December 10, 1984; and any other respective international obligations, national constitutions, laws, regulations, and immigration and visa policies of the Parties, including consideration by the Government of the Republic of Ecuador of requests by these third-country nationals for asylum, refugee protection, or equivalent temporary protection.

The Government of the Republic of Ecuador agrees not to return any person transferred to Ecuador by the Government of the United States of America to their home country or country of former habitual residence until a final decision has been made regarding any pending protection claims. The Government of the Republic of Ecuador shall determine a procedure, consistent with its relevant obligations, to resolve the status of those who may abandon pending international protection claims or fail to seek protection from the Government of Ecuador. The Government of the United States of America shall not transfer unaccompanied minors pursuant to this Agreement.

The Parties shall develop operating procedures to assist with the implementation of this Agreement through a subsequent instrument, including, among others, clear criteria to determine eligibility for transfer to the Republic of Ecuador, as well as any necessary bilateral assistance to implement this Agreement.

In the event of a conflict of interpretation or implementation, the Parties commit to resolve such matters through dialogue or diplomatic channels.

Either Party may terminate or suspend this Agreement at any time by notifying the other Party in writing. The Parties may agree in writing to any amendments to this Agreement, and such amendments shall constitute an integral part of this Agreement, consistent with any applicable legal requirements. Nothing set forth in this Agreement shall be interpreted in such a way that commits the disbursement or allocation of funds by the Parties. The implementation of this Agreement shall be subject to the availability of funds and technical capacity of each Party.

If this proposal is acceptable to the Government of the Republic of Ecuador, the Government of the United States of America has the honor to propose that this note, along with the affirmative reply from

the Government of the Republic of Ecuador, shall form an Agreement between the two governments, which shall enter into force upon the date of the Government of the Republic of Ecuador's reply note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Human Mobility of the Republic of Ecuador the assurances of its highest consideration.



Embassy of the United States of America,

Quito, July 16, 2025.



Translation

[Coat of Arms]

**Republic of Ecuador
Ministry of Foreign Affairs and Human Mobility**

Note No. MREMH/MREMH/2025/0077/NV

The Ministry of Foreign Affairs and Human Mobility presents its compliments to the Embassy of the United States of America and has the honor to refer to Embassy note No. POL 520/2025, of July 16, 2025, which reads as follows:

Quote:

No. POL 520/2025

The Embassy, on behalf of the Government of the United States of America, has the honor to propose the following Agreement between the Government of the United States of America and the Government of the Republic of Ecuador (hereinafter referred to individually as a "Party" and collectively as the "Parties").

Embassy of the United States of America,
Quito.

Under this Agreement, the Parties seek to ensure the dignified, safe, and timely transfer from the United States to Ecuador to third-country nationals present in the United States who may seek international protection against return to their home country or country of former habitual residence. The Government of the United States of America shall in its complete discretion propose to the Government of the Republic of Ecuador the transfer of such third-country nationals, and the Government of the Republic of Ecuador shall in its complete discretion consider accepting such a proposal in whole or in part. Both Parties' actions under this Agreement shall be in accordance with their obligations under the 1951 Convention Relating to the Status of Refugees, done at Geneva on July 28, 1951; the Protocol Relating to the Status of Refugees, done at New York on January 31, 1967; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on December 10, 1984; and any other respective international obligations, national constitutions, laws, regulations, and immigration and visa policies of the Parties, including consideration by the Government of the Republic of Ecuador of requests by these third-country nationals for asylum, refugee protection, or equivalent temporary protection.

The Government of the Republic of Ecuador agrees not to return any person transferred to Ecuador by the Government of the United States of America to their home country or country of former habitual residence until a final decision has been made regarding any pending protection claims. The Government of the Republic of Ecuador shall determine a procedure, consistent with its relevant obligations, to resolve the status of those who may abandon pending international protection claims or fail to seek protection from the Government of Ecuador. The Government of the United States of America shall not transfer unaccompanied minors pursuant to this Agreement.

The Parties shall develop operating procedures to assist with the implementation of this Agreement through a subsequent instrument, including, among others, clear criteria to determine eligibility for transfer to the Republic of Ecuador, as well as any necessary bilateral assistance to implement this Agreement.

In the event of a conflict of interpretation or implementation, the Parties commit to resolve such matters through dialogue or diplomatic channels.

Either Party may terminate or suspend this Agreement at any time by notifying the other Party in writing. The Parties may agree in writing to any amendments to this Agreement, and such amendments shall constitute an

integral part of this Agreement, consistent with any applicable legal requirements. Nothing set forth in this Agreement shall be interpreted in such a way that commits the disbursement or allocation of funds by the Parties. The implementation of this Agreement shall be subject to the availability of funds and technical capacity of each Party.

If this proposal is acceptable to the Government of the Republic of Ecuador, the Government of the United States of America has the honor to propose that this note, along with the affirmative reply from the Government of the Republic of Ecuador, shall form an Agreement between the two governments, which shall enter into force upon the date of the Government of the Republic of Ecuador's reply note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Human Mobility of the Republic of Ecuador the assurances of its highest consideration.

Embassy of the United States of America,
Quito, July 16, 2025

Unquote.

In this regard, the Ministry of Foreign Affairs and Human Mobility, on behalf of the Government of the Republic of Ecuador states its agreement with the above proposal, which, along with this note in reply shall constitute an

agreement between both Governments which shall enter into force on the date of this note.

The Ministry of Foreign Affairs and Human Mobility avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest and most distinguished consideration.

Quito, July 23, 2025

[Initialed]

[Ministry stamp]