

# Argentina

## Introduction

Arguably, no other country in the New World was transformed by the great cycle of migration of the 19<sup>th</sup> and 20<sup>th</sup> centuries as profoundly as Argentina. In a relatively short period of time - from roughly 1870 to 1930 - with the arrival of approximately six million people, the dynamics of migration contributed significantly to the creation of a modern, predominantly urban and industrial society.

After the great waves of transatlantic migration, the movement of people across borders continued to shape Argentina. In the face of newcomers from neighboring countries, waves of Argentines leaving the region, and political projects to redefine the position of the migrant in Argentine society, both governments and society are trying to cope with promises and challenges, both old and new.



## Background Information

**Capital:** Buenos Aires

**Official language:** Spanish

**Area:** 2,780,400 km<sup>2</sup>

**Population (2014):** 41.8 million

**Population density:** 14.9 inhabitants/km<sup>2</sup>

**Population growth rate (2010):** 1.03%

**Foreign-born population (2010):** 1,805,957

**Working Population (2012):** 18,850,709

**Unemployment rate (2013):** 7.1%

**Religions:** 69% Catholic, 16% Agnostics and Atheists, 12% Protestants, 1.5% Muslims, 1% Jews, others

This focus Migration country profile portrays the dynamics of the multiple forms of migration within the Argentine context. The first part details the historical phenomenon, from colonial times up to the end of the Second World War, focusing on migration patterns, the impact on the receiving country, discourses surrounding migration and the state's attempts to shape them.

The second part introduces major aspects of the contemporary phenomenon of migration to and from Argentina. The arrival of people from neighboring countries and other new groups of immigrants, the novel reality of Argentines emigrating in the face of political repression and bleak economic outlooks, and attempts to reform the status of migrants in recent years form the major arguments.

## Historical Developments of Immigration and Emigration

### Migration During Colonial Times and the Early Republic

In colonial times, the territory of the modern nation state of Argentina had a peripheral position within the Spanish Empire. After the arrival of the Spanish in the area in the early 16<sup>th</sup> century, the regional economy was mostly shaped by

**Box 1: Immigration as a national doctrine**

In *Facundo*, the canonical literary opus of Domingo Faustino Sarmiento, written in 1845, ideas about the future role of the migrant are made explicit in a revealing manner: the immigrant was conceptualized as a transformatory force to change the face of the country in its entirety, altering the quality of the nation itself, towards a path to civilization, against the shadows of backwardness and darkness of the recent past. Together with the doctrine of *Gobernar es Poblar* ("To govern is to populate"), coined by the Argentine diplomat, constitutionalist and political thinker Juan Bautista Alberdi, *Facundo* stands as the embodiment of the Argentine elite's vision to participate in the project of modernity, and to catch up with developments in Europe and the other young country and new force in the hemisphere, the United States.

producing goods for the densely populated areas of the Andes, with their profitable explorations of precious metals.<sup>1</sup> Also, the transatlantic slave trade had an impact on the Southern Cone region. Already in 1596, the first African slaves arrived in the region. Slaves usually had to work in urban households or agricultural production and accounted for a significant share of the population in late colonial times. In the country's first census of 1778, blacks accounted for roughly 7,000 inhabitants of Buenos Aires, out of a total population of 37,000.<sup>2</sup>

At the time of the great transatlantic migrations Argentina and the United States became the major countries of destination in the New World. At a time when the first great wave of migration occurred in the United States from the 1830s onwards, attracted by cheap and accessible farm land, the young Argentine nation (independent since 1816) was deeply embroiled in factional conflicts and civil war because of rivaling ideas about the conception of the new Argentine state. Supporters of a unitary state with Buenos Aires as the state's capital fought against proponents of a decentralized state system. Only after the pacification of the armed conflict could a demographic outlook emerge at government level in order to shape the young nation's future.

The constitution of 1853 enshrined the protagonistic role that future migrants should play for the country. But the vision of a new society, with the inflow of European settlers as a fundament, was more than just a demographic vision of population growth of a supposedly empty country. Migration should transform the country completely, leading it towards a path of modernity (see Box 1). Aided by the creation of a state supported commission on immigration in 1857 and the support of agents in Europe, a substantial flow of Genovese and Spanish settlers followed.

But not all immigrants were considered equal. Preference was given to the "advanced" nations of Europe's North, against the perceived backwardness of the continent's archaic southern people. These hopes of selective immigration were shattered by the autonomy of migratory flows in the decades to come. However, this positive image of migration became dominant within the political class in the country, at least until the outbreak of the global economic depression after 1930.<sup>3</sup>

**The Great Transatlantic Migration**

And indeed, European masses were to arrive very soon. After modest inflows of people throughout the 1850s, 1860s and 1870s, the government successfully tried to foster immigration through direct incentives and propaganda abroad, thanks to a favorable economic outlook, the availability of large and fertile land plots, and the active participation of consuls in the targeted countries (see Box 3). The most important instrument to foster immigration was introduced in 1876. The so called Avellaneda Law secured the initiative of migration in the hands of the central government against the previous dominance of the provinces. It allowed for the creation of a powerful *Departamento General de Inmigración* under the roof of the ministry of the interior. Furthermore, the law granted potential immigrants cost free accommodation after the arrival for six days (at the *Hotel de Inmigrantes*, opened in 1870), free train passages to the interior, and adjudication of public land.<sup>6</sup>

From 1881 until the First World War, approximately 4.2 million people arrived on Argentine shores, with Italians (roughly two million) and Spanish nationals (1.4 million) being the biggest groups, albeit with significant regional di-

**Box 2: Nation, territory, and genocide**

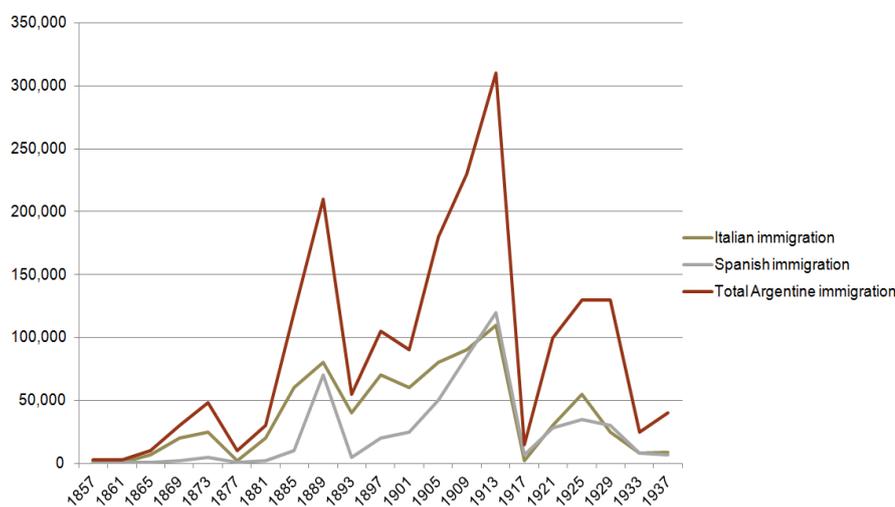
In order to create the territory for colonization to take place, the young Argentine state had to expand its sovereignty over large areas of the country which had been under the de facto control of indigenous groups for centuries. Employing modern military equipment and techniques, including the use of the railways, the *Conquista del Desierto* (Conquest of the Desert), directed mainly by General Julio Argentino Roca in the 1870s and 1880s, ended a long phase of fragile frontier relations between indigenous people and the state - at first, colonial and later republican - in the Pampas, Patagonia and the North.<sup>4</sup> The expulsion of over 15,000 people and the taking of their land were central in the development of the country's agricultural sector and therefore the foundation of Argentina's economic success story well into the 20<sup>th</sup> century. Whether Argentina's entry into modern capitalism and statehood rests on a history of genocide is highly contested, and mirrors again developments and debates in the United States.<sup>5</sup>

versifications within the countries of origin (see Figure 1). The peak year of 1912 saw the arrival of approximately 300,000 individuals. Other sizable immigrant groups before the First World War were German, French, English and other groups from the British Empire. This makes Argentina the second most important receiving country in the New World in times of peak Atlantic migration, after the United States. But migration never meant a one way street, and often took the shape of a circular process: between 1881 and 1910, roughly 36 percent of the newly arrived decided to return to their country of origin. The Argentine “birds of passage” - *the golondrinas* (swallows) - became a mass phenomenon. Taking advantage of the different cycles of harvests, thousands of (mostly Italian) rural workers moved regularly between the continents (see Figure 2).<sup>9</sup>

Although the project of modernization, so wholeheartedly embraced by the country’s elite, demanded the inflow of millions of individuals, the effects of immigration also triggered fears and over time revealed a more ambiguous public opinion. Especially sanitary provisions caused anxieties not only in Argentina but in all major receiving countries of the times. The first groups of immigrants that were perceived as a seriously troubling presence and as difficult to integrate, were immigrants from the Ottoman Empire, generically called *turcos*, and Jews, mostly coming from Russia. Their number reached between 10,000 and 20,000 annually in the first decade of the 20<sup>th</sup> century. However, there were virtually no legal restrictions on immigration in place until the 1920s.

The national census of 1914 provides an intriguing picture of the profound impact that migration had on the Argentine economy, society and culture. The reality of immigration dramatically changed the demographic profile of the country. Within 20 years, the country’s population had almost doubled to about 7.9 million. More than one third of the inhabitants were foreign-born, compared to 30 percent in the US, five percent in Brazil, and 24 percent in Canada,

**Figure 1: Italian and Spanish immigration as a proportion of the total Argentine immigration, 1857-1937**



Source: Devoto (2009).

### Box 3: Attracting immigrants by favorable economic outlooks

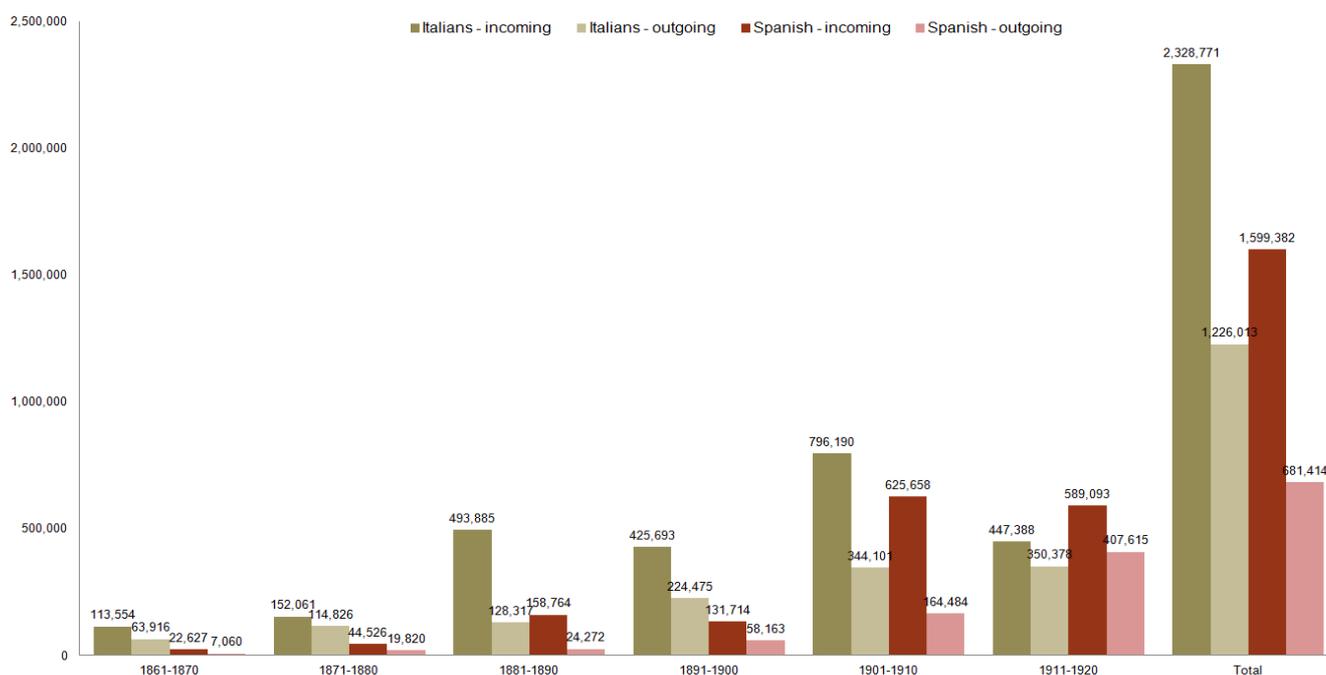
Between 1876 and 1915 exports of cattle and agricultural products increased by an average annual rate of four percent, and the railroad network was extended from 2,500 kilometers to almost 34,000 kilometers. This growth was inextricably linked to the international economy, with Argentina being highly integrated into the world market, offering potential immigrants high wages and economic opportunities.<sup>7</sup> Real wages in Argentina were 207.7 percent relative to a weighted average of Italy, Portugal, and Spain in the 1870s and 212.1 percent from 1909 to 1913.<sup>8</sup> The late 1880s also saw a massive policy of subsidies to attract migration, though with very limited success: the Argentine government granted 134,000 subsidies for European settlers between 1888 and 1891.

with only Uruguay showing a greater number among Western Hemisphere nations (35 percent). In the capital Buenos Aires, this figure was around 50 percent, higher than in any North American city.<sup>10</sup>

### Debates on Integration

In order to create a sense of national belonging and identification with the new nation, the state largely relied upon three techniques, mirroring examples from Europe and the US: mandatory military service, incremental political integration via voting rights and public participation; and most importantly, patriotic education and schooling. The pedagogical doctrine was largely inspired by the example of the secular French Third Republic. The outcome of this project of integration proved to be hugely successful and long last-

ing. When, in the early 1960s, the sociologist Gino Germani attempted the first systematic study of immigration in Argentina, he could persuasively argue that the project of integration had been successful in creating a modern society without major fissures and conflicts along ethnic lines. The loss of the mother tongue and often a critical approach to further immigration characterized many second- and third-generation individuals already by the 1920s. In this respect, Argentina showed very similar patterns to other European settler territories: as an example, the Yiddish language, which had survived for centuries as an ethnic minority language in Central and Eastern Europe, virtually disappeared within three generations in Argentina, as in the United States, Brazil, and Uruguay.<sup>11</sup>

**Figure 2: Spanish and Italian immigration and returnees, 1861-1920**

Source: Devoto (2009).

### After World War I to the 1950s - a New Intellectual Climate and the End of Mass Immigration

Confronted with plummeting numbers of incomers leading to net-emigration rates from 1915 to 1917, the outbreak of the First World War was a painful reminder that Argentina's project of modernity was based on shaky grounds, profoundly vulnerable to the conjunctures of world politics and economic cycles.

In the aftermath of the Great War, however, the country witnessed a resurgence of major flows of immigration. Argentina even increased its share of European migration in comparison to its major competitors in the New World, partly due to the restrictive immigration policies in the United States, reaching a new total peak of approximately 200,000 immigrants in 1923. The crumbling empires of Central and Eastern Europe - Ottoman, Habsburg and Russian - and their succession states in the new political order of Versailles particularly increased their shares in the total numbers.<sup>12</sup>

The shock of World War I would serve as a sign of things to come. As in many other countries in the New World, the

outbreak of the world economic crisis in 1929 brought the inflow of people to a virtual halt. Rising unemployment, and the fall of relative wages made the voyage to La Plata unattractive for potential migrants. Additionally, the intellectual climate of the 1930s changed significantly. Nationalist ideas challenged successfully the liberal paradigm of open borders, and rising xenophobia and anti-Semitism had its impact on attitudes towards certain groups of immigrants. The military government that seized power in 1930 introduced new restrictions the same year and again in 1938, but the economic conjuncture had a far more significant impact on the virtual cessation of immigration.

The 1930s also witnessed the emergence of a new phenomenon of forced migration: the refugee. The pressure of war and persecution, first during the Spanish Civil war, and later through the rise of extreme right totalitarianisms and the Second World War, was met with a tightening of the border regime. The anti-Semitism and anticommunism of the Argentine elite played an important part in this process. Although the Argentine state tried to clamp down on illegal border crossings, thousands, mostly Jews were able to enter the country. Alternative routes, taking advantage

#### Box 4: Argentina's "Melting Pot" theory

Significantly influenced by the debates in the US, the Argentine discussion on how to conceptualize the country's experience of integrating a nation made up of immigrants had been dominated by the idea of the *crisol de razas*, the La Plata equivalent to the "Melting Pot" theory. Only more recently did dynamic, heterogeneous ideas and concepts gain ground, highlighting features and structures of social plurality and cultural diversity. Objects of studies to work on these concepts were mostly patterns of political participation, dynamics of marriage and the marketplace, and patterns of residency in the city and the country side.<sup>14</sup>

of insufficient controls of the Argentine border, using third countries, or finally, bribing officials to secure passage, often proved lifesaving.

The last major attempt to attract a significant number of European immigrants occurred during the presidency of Juan Domingo Perón from 1946 to 1955. In the First Five Year Plan from 1947, a document that combined a broad ideological vision and detailed policy prescriptions, the Peronist government expressed the desire to bring in an additional four million immigrants for agricultural colonization. Moreover, Perón further encouraged internal migration from the provinces in the interior to the major cities to foster the prospect of an industrialized Argentina. Importantly, Peronism envisioned migrant workers from the interior, often of darker skin color, as an integral part of the national community. At the same time Peronism perpetuated the myth of a homogeneously white Argentina by emphasizing the integration of internal and international migrants into the *crisol de razas* (melting pot) of Argentina. But as with previous attempts to shape migration in Argentine history, the ambitious state was not able to realize its pretentious plans. Although the late 1940s and early 1950s saw another surge in numbers of incomers, the same years also witnessed a very high rate of people returning to their countries of origin (1949: 148,372 newcomers vs. 133,019 returnees). In the 1950s, many individuals who originally came from Southern European countries followed the call of the now booming central European economies for foreign labor.<sup>13</sup>

## Recent Developments of Immigration and Emigration

### Migration from Neighboring Countries

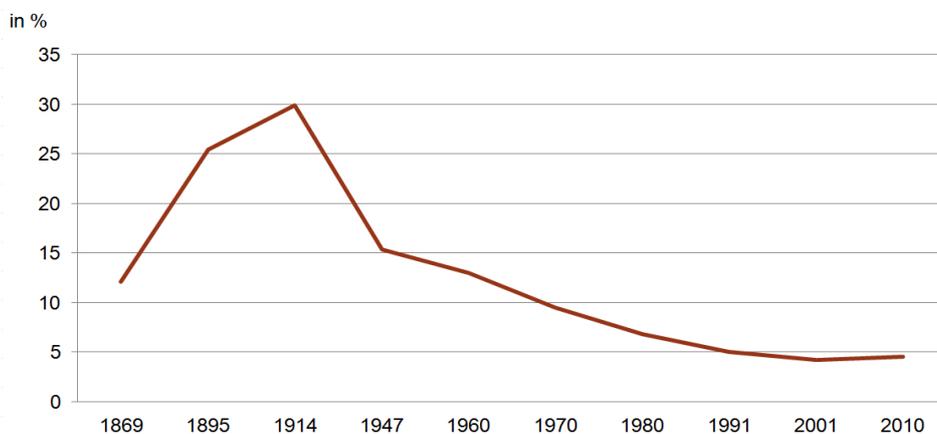
The phenomenon of immigration from neighboring territories is much older than the history of the Argentine nation state itself. Already during colonial times, labor migrants and merchants used the extensive fluvial system for their

activities. Since the establishment of the republic in the early 19<sup>th</sup> century, Argentina has always been a magnet for people from surrounding countries, thanks to higher wages and relatively advanced industrial and agricultural systems with high demand for labor. But the presence of Latin American migrants only became an object of major public attention in the 1970s under military rule, mostly discussed as a “problem” of irregularity, social and racial cohesion, and a peril to the project of civilization and national development, with anti-immigration attitudes on the rise in the 1980s and 1990s. This problematization of the Latin American immigrant was accompanied by a greater visibility of these groups, both numerically and in public perception.<sup>15</sup>

Not surprisingly, the number of foreigners diminished significantly after the Second World War, from 2.6 million in 1960 to 1.5 million in 2001 (see Figure 3). But the change within the stock of foreigners was not only a quantitative one: there was a slow but steady substitution of Europeans with people stemming from neighboring countries, mostly from Bolivia, Paraguay, Peru, and Chile. Within this group, Paraguayans and Bolivians presented the steadiest inflow. Whereas a more regional rural-rural movement, mostly in bordering regions, dominated until the 1970s, the metropolitan area of Buenos Aires subsequently became the dominant magnet: the census of 2001 revealed that 54 percent of migrants from neighboring countries were living in the mega city of Buenos Aires, compared to only 25 percent in 1960. Although their numbers, relative to the total population, increased only marginally in the last 30 years, from 2.7 percent in 1983 to 3.1 percent in 2011, it was the period from 1991 to 2001 that saw a major increase of these groups. The exceptionally high wages during this decade, guaranteed by the one to one convertibility of the Argentina peso to the US dollar, attracted hundreds of thousands of workers and their families. For example, between 1991 and 2001, the Bolivian community grew from 143,589 to 233,464, the Paraguayan from 250,450 to 325,046, and the Peruvian from 15,939 to 87,546 in the same period.<sup>16</sup>

Many of these immigrants work in sectors that imply low wages and precarious job security: manual work like construction, domestic services and manufacturing, but also agriculture, the garment sector, vegetable shops in urban settings and other areas of commerce. In these labor market segments, especially the Bolivian community has successfully created an ethnic infrastructure, formal and informal, helping thousands of individuals to secure jobs, and create spaces of sociability. Bolivians living in Argentina make significant contributions to the Bolivian economy: research by the International Organization for Migration estimates that in 2012, they sent a total of 301 million US dollar to family members in Bolivia.

**Figure 3: Percentage of foreign-born population in Argentina, 1869-2010**



Source: INDEC, National Census 1869 to 2010.

This “new migration”, which, in fact, is a very old one, only hidden by the dominance of the transatlantic flow of people, posed a new set of issues for the project of national identity and ethnic cohesion. The dominance of the popular image of Argentina being made of *Hijos de los barcos* (sons of boats) that were successfully integrated within a national project of progress, left, at best, only marginal space for the arrivals from the immediate periphery. Additionally, attitudes of xenophobia, open and hidden forms of discrimination and sensibilities of cultural superiority abound in the country. Complex interplays of class, race, issues of security and delinquency, and cultural otherness still place Bolivians and other immigrants from Latin America in a position of marginality and relative exclusion.<sup>18</sup>

### Other Recent Immigration

Another recent phenomenon is the rising presence of (mostly west-)African labor migrants and refugees, mainly Senegalese, Ghanaians and Nigerians in the bigger cities of the country, especially in Buenos Aires. The tightening of the border regime in Europe over the last decades, the remarkable economic growth in Argentina, and comparatively permissive immigration policies, helped redirecting parts of African migration to Argentina. As with recent Immigration of non-Europeans, African migrants face prejudices and serious difficulties in entering the formal job market. The Argentine state and charities are offering language programs, temporary and renewable work permits, and a basic infrastructure in health care. The *Centro para el Refugiado y Migrante Africano*, created in 2010, provides information and help for young African refugees.<sup>19</sup>

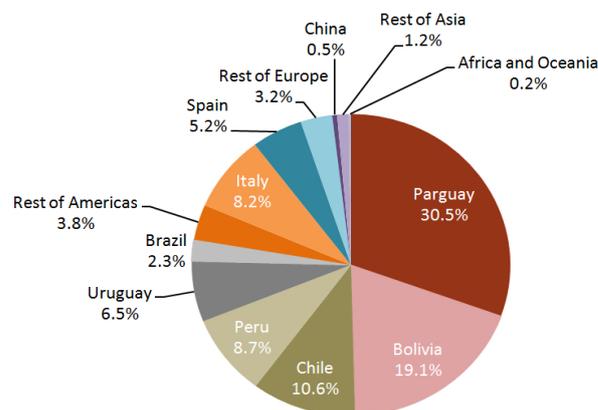
African migration is often depicted as a novelty for the country. However, a look back in time shows the numerically important presence of people with African origin in the region. The census of 1810 for the city of Buenos Aires recorded 9,615 blacks out of a population of 32,558, with the vast majority of those black *Porteños* being victims of the Atlantic Slave Trade. Additionally, the census of 2010 revealed that 149,493 residents of the republic identified themselves as Afro-descendants. The presence of Africans and Afro-Argentines might serve as a reminder that the history of migration in Argentina is more complex than the simple and still dominant narrative of a country of European immigration is suggesting.<sup>20</sup>

### The Immigrant Population

The latest national census of 2010 shows the dominance of Latin American immigration in recent years. More than 75 percent of Argentina’s foreign-born population came from the neighboring countries alone (including Peru), Europeans follow with about 16 percent. In total terms, 4.5 percent of the country’s population was born outside Argentina. In total numbers, the biggest groups are Paraguayans with 550,713 people, Bolivians with 345,272 individuals, Chileans with 191,147, followed by Peruvians with 157,514.

Importantly, Argentina also participates in the globally observable “feminization of migration”. The 2010 census reveals that 53.9 percent of the foreign-born population is female, which contrasts to the general ratio of 51.2 percent of the Argentine born population. The data also reveals a

**Figure 4: Foreign-born population in Argentina in 2010 - countries of origin, total numbers and percentage**



Country of origin	Number of immigrants
Paraguay	550,713
Bolivia	345,272
Chile	191,147
Peru	157,514
Uruguay	116,592
Brazil	41,330
Rest of Americas	68,831
Italy	147,499
Spain	94,030
Rest of Europe	57,865
China	8,929
Rest of Asia	22,072
Africa and Oceania	4,163
<b>Total</b>	<b>1,805,957</b>

Source: INDEC, Censo Nacional de Población, Hogares y Viviendas 2010.

strong urban bias in settlement patterns: 73.2 percent of the foreign-born population resides in the city of Buenos Aires and the strongly urbanized province of Buenos Aires. 13.5 percent of the residents of the city of Buenos Aires were born abroad, in contrast to only 0.3 percent in the peripheral province of Santiago del Estero. About a third of foreign-born residents in Argentina arrived between 2001 and 2010, highlighting the continuing relevance of immigration for the country (see Figure 4).

## Argentines Abroad

### The Crisis of 2001 and Its Consequences - Argentina as a Country of Emigration

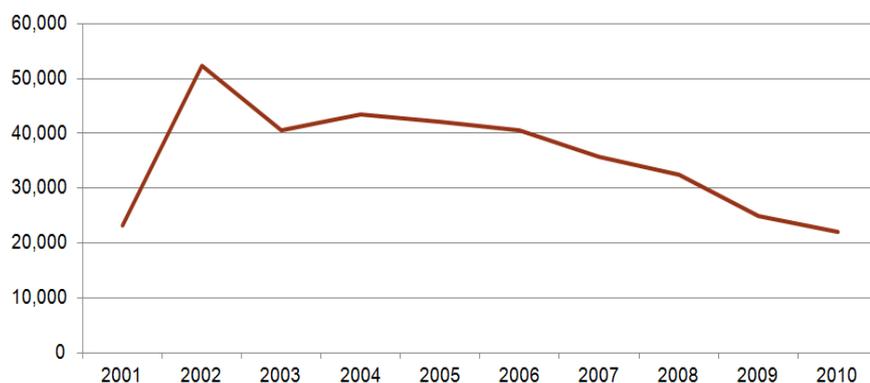
In 2001, Argentina was faced with a financial crisis that, in the following year, resulted in a 300 percent devaluation of the national currency and a collapse of the banking system within weeks, with devastating social consequences. Unemployment rose to 20 percent, under-employment topped at 17 percent. 42 percent of the population was living below the poverty line and those in extreme poverty reached 27 percent.

The economic, political, and social crisis resulted in a dramatic change in migration patterns. The decade saw the first truly, prolonged wave of emigration, mostly by young and skilled Argentines, seeking a better future abroad (see Figure 5). It is estimated that in 2010, around one million Argentines were living outside the country's borders, with Spain (30 percent), and the US (23 percent) hosting the lion share (see Figure 6).<sup>21</sup>

### Spain and Other Major Destinations

Until very recently, the biggest community of Argentines outside the national territory resided in the US. The number of incoming migrants from Argentina into the US peaked in 2002 with 35,210 individuals, from only 6,670 in 2000.<sup>22</sup> But

**Figure 5: Argentine immigration to OECD countries, 2001-2010 (total numbers)**



Source: OAS (2012).

### Box 5: Becoming European

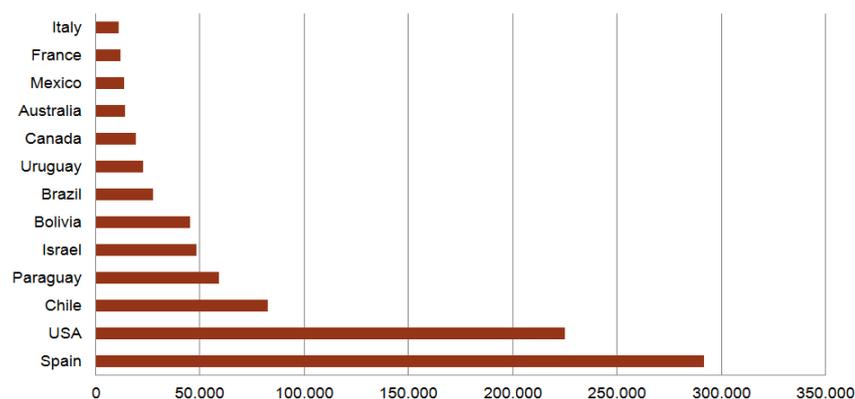
A quick glance at the acquisition of the Italian nationality by Argentine citizens shows a dramatic increase in the years after 2001: whereas 316 people became Italian nationals in 2001, the number rocketed to 2,569 in 2006. The Spanish case is even more impressive: the number went up from 791 in 2001 to a peak of 6,395 in 2010.

in the aftermath of the crisis of 2001, Spain became the main destination for Argentines (see Figure 6).

Spain started attracting Argentines in the middle of the 20<sup>th</sup> century, given the cultural and linguistic affinities, but the process accelerated after the remarkable improvement in the macro-economic indicators that this country experienced after joining the European Union in 1986. Another crucial factor for the presence of a large Argentine community before 2001 was the forced emigration of thousands of Argentines under the military dictatorship from 1976 to 1983. Many refugees chose Spain (together with Mexico and the US) as their main destination, making the Argentine community the largest within the group of Latin Americans until the 1990s. Importantly, this cohort consisted significantly of highly educated and technically skilled individuals.<sup>23</sup>

After the crisis of 2001, the numbers of Argentines living in Spain rose significantly, from 119,000 in 2001 to a peak of 291,700 individuals in 2009 with 35,405 Argentines coming to Spain in 2002 alone. Since then numbers have been falling slowly but steadily, with many Argentines leaving Spain, due to the recession in Southern Europe and the booming economic situation in Latin America. Still, in 2011, Argentine-born people represented the 6<sup>th</sup> biggest community of foreign-born residents in the country (279,300 individuals), after Romanians, Moroccans, Ecuadoreans, British, and Colombians.

Another focus of emigration became Israel. Estimates suggest that between 2000 and 2006, some 11,200 Argentines relocated to that country, with a return rate of about 15-20 percent. In 2002 alone, shortly after the outbreak of the crisis, roughly 5,900 Argentines left for Israel, a number only topped in that year by the inflow of migrants from the former USSR. Although the inflow of Argentine citizens into Israel slowed down significantly in recent years, Argentina is still among the top sending countries (6<sup>th</sup> place in 2012).<sup>25</sup> As a consequence, the Jewish community in Argentina is continuously shrinking. The number of Argentine Jews peaked in the early 1960s with over 300,000 individuals; it has dropped below 200,000 in recent years.<sup>26</sup> The dif-

**Figure 6: Argentines in the world, 2010**

Source: Organización Internacional para las Migraciones (OIM) (2012).

difficult economic situation in Argentina as well as Israel's active immigration policy targeting Argentine Jews (transmitted through Jewish cultural organizations in Argentina) contributed to their emigration motivations.

In many cases, especially for the large community of Argentines with Spanish and Italian roots, the specific naturalization laws of these countries, based on varieties of the paternal *ius sanguinis*, provided easy access to European citizenship, which then allowed a theoretically free movement within the European Union (see Box 5).

For many, especially young Argentines, the acquisition of a European passport became an important exit strategy, often executed without leaving the country by using the consulates on Argentine territory. The reform of citizenship legislation in Spain in 2007, giving the descendants of refugees from the Spanish Civil war easier access to Spanish citizenship, called *Ley de nietos* (Grandchildren's Law), benefited many Argentines with Spanish roots as well.<sup>27</sup> In 2009, of the 291,700 Argentine-born residents in Spain, only 45 percent did not have the Spanish citizenship (132,000 individuals).<sup>28</sup>

### Return Migration

A strong economic recovery after 2003, and, more importantly, the devastating effect of the recession in Europe's South after 2007 initiated a new phase of migration. Many Argentines who had left the country in the decades before decided to return. In some cases, return migration was supported by pay-to-go return migration programs in the country of residence, notably in Spain. The number of Argentine nationals without Spanish citizenship living in Spain diminished from 95,415 in 2013 to 80,910 in 2014. At the same time emigration from Spain to Argentina is continuously growing, from 2,182 in 2012 to 2,682 in 2013.<sup>29</sup> Argentina signed various treaties with numerous Latin American countries and Spain to make a transition and transfer of accrued social security entitlements possible without substantial losses for migrant workers.

## Changing Legal Frameworks of Immigration and Regularization

### Military Rule and Immigration

Since the decline of the European migratory flow, the increase of immigration from the bordering countries and the importance of the dynamics of internal migration since the Second World War, Argentina went through substantial changes in the way immigration had been envisioned and legally framed. Legal revisions and perceptions regarding immigration policies for decades depended heavily on the political agenda of the country's governments, with restrictive outlooks dominating the diverse military juntas from 1955 to 1983, and a more open approach during the civil governments in intervening years, like between 1963 and 1966 and 1973 to 1976.

The most fundamental reform occurred in 1981, when the military junta passed the "General Law of Migration and the Promotion of Immigration", or *Ley Videla* (named after the General and de facto head of state during parts of the dictatorship), revoking the historic Avellaneda Law of 1876. Although the law continued to endorse European Immigration, especially for colonization purposes and the general increase in population, it included many repressive features toward illegal immigration, which implicitly targeted the arrivals of neighboring countries. The law expressly forbade all undocumented foreigners from engaging in paid activities, denying them access to health and education services and obliging civil servants to denounce situation of irregularity to the authorities. As a consequence, immigration policy became an almost exclusive domain of policing functions, articulated under the doctrine of "National Security".<sup>30</sup> The process of regularization for migrants became increasingly difficult, keeping them in a situation of vulnerability and irregularity.

After the return to democracy in 1984, the constitutional governments did follow a more permissive line, including various waves of amnesties for illegal migrants, but the general framework of the junta stayed in place until 2004. A contradictory legal and factual practice emerged, for example granting voting rights for foreigners in municipal and in most provincial elections, but at the same time hardening the possibilities of immigrants to engage in the regular labor market and making legal job contracts a prerequisite to apply for residency.

### The New Approaches of Recent Years

With the xenophobic and implicitly racist reality of immigration policy unchanged since times of the dictatorship, the last ten years witnessed a substantial revision and new rationale in migration policy in the country. Overt and tempered racist attitudes and discriminations towards African and Latin American immigrants, occurring in public and private spaces, in institutional settings and every day in-

teractions, stand in rather stark contrast to the most recent developments within the legal framework in the domain of social rights, including the rights of migrants in Argentina. Although Argentina's anti-discrimination law dates from 1988, it is under the governments of first Néstor Kirchner from 2003 to 2007, and subsequently of his wife Cristina Fernández de Kirchner (2007 to the present - 2015), that a highly progressive course of social rights and inclusion was implemented. The notable reforms in matters of rights for immigrants are somehow eclipsed by the most spectacular and visible reforms and new approaches on equal rights for same sex partnership, an offensive persecution of criminals during the last military dictatorship, and a significant expansion of social rights in welfare and education, including strong and effective policies of re-distribution. This rights-based migration policy has helped significantly to regularize the status of recent immigrants in the country and also benefitted refugees with special needs for protection. Economic data furthermore suggests that these policies had a positive effect on the recent, remarkable economic growth figures for the country, averaging 7.2 percent from 2003 to 2012.

First steps to make regularization easier were made in 2002 with the "Regional Agreement for Nationals of Member States of the Common Market of the South" (MERCOSUR, i.e. Argentina, Brazil, Uruguay and Paraguay) and associated states (Bolivia and Chile), permitting nationals of any of the countries to reside in the territories of the others and granted them access to any economic activity on an equal basis with nationals. A veritable turning point came with the sanction of law No. 25.871 in 2004, which followed many principles set by the 1990 UN Convention on migrant workers. In the drafting of this law, the Argentine state cooperated with various human rights and specialist organizations, many of them within the orbit of the United Nations, like the International Organization for Migration and UNHCR, through the creation of a consultative commission. Within the framework of regional integration, the law establishes three categories of residency: permanent, temporary, and transitory. The general principles articulate an ambitious program. Besides the explicit desire to integrate migrants into the socio-cultural fabric of society, including equal participation in the workforce for migrants, the text obliges the Argentine state to guarantee the human right to migration. This provided for equal treatment under the law for foreigners as for nationals, guaranteed the right to family reunification and access to health, education and social assistance for foreigners irrespective of their migratory status. Additionally, the new law also articulates the rights of Argentine citizens abroad and fosters return migration.

This was accompanied by a major media campaign to inform and encourage migrants to formalize their status, and a vast regularization program was launched – called *Patria Grande* (Big Homeland) – which between 2006 and 2010 facilitated the regularization of 650,000 migrants from the MERCOSUR member countries alone, and a total of 1,688,106 applications for regularizations were filed between 2004 and 2011, combining the *Patria Grande* program and other paths to regularization. The program guar-

anteed the right to stay in, leave and re-enter Argentina, the right to study and obtain work permits, and provided a first step to permanent residency. Initially, *Patria Grande* was conceived as an administrative instrument for regularizing the status of migrants, but quickly evolved into a central tool for the Argentine state to articulate a new vision of belonging and participation of migrant groups within the nation.

Further tools linked to the new national migration law and regularization program included a "National Institute against Discrimination, Xenophobia and Racism", a Tripartite Commission on Gender and Labor Equality, and a National Education Law (N°26.206) guaranteeing access for undocumented migrants to primary and secondary school and university.

Due to the reforms of the last years, the category of "illegal immigrant" virtually disappeared from the legal reality of the country. The success of programs such as *Patria Grande* and other non-MERCOSUR regularization schemes secured legal residency for hundreds of thousands non-Argentines in the country. Data on irregular migration to Argentina has always been scarce, and the government does not maintain precise statistics. However, prior to the regularization campaigns of recent years, the undocumented population was estimated to be between 750,000 and one million people.<sup>31</sup>

## Citizenship

Adult immigrants have the possibility to apply for Argentine citizenship for themselves and their family. People born abroad and living in Argentina for a certain time can acquire the Argentine citizenship if they satisfy certain conditions. The rules regarding obtaining the Argentine nationality are regulated in the National Constitution, establishing a territorial principle for citizenship (*jus soli*), and were updated in 2004. Besides modernizing the naturalization process, the reform of 2004 mostly served to abolish restrictions that were implemented during the rule of the military junta (1976-1983), such as the need to be able to talk and write in Spanish and to have basic knowledge of the national constitution, and, probably most importantly, to present a regular work relationship.

Argentine citizenship can be acquired via different paths: Besides the birth right on Argentine soil, naturalization is possible for adults over 18 years after two years of permanent and documented residency in the country, which must be certified by the National Office of Migration. Argentina does apply, however, certain restrictions, based on criminal records, and applicants need to be independent from social benefit provisions, but do not need to provide records confirming formal relations of work. Also, marriage to an Argentine spouse and having an Argentine-born child provides for the immediate possibility to apply for citizenship.

As already noted, dual citizenship is a common phenomenon with Argentineans, but limited to countries with previous, bilateral agreement, including Spain, Italy, and Chile. Dual citizenship can also have an impact on political processes in European countries. In the Italian general

elections for the Chamber of Deputies in 2008, holders of Italian passports with residency in Argentina participated strongly (56,9 percent) and arguably had a significant influence in the outcome of the election.<sup>32</sup>

## Refuge and Asylum - Refugee Policy

Argentina ratified the Convention relating to the Status of Refugees in 1961 and its protocol in 1967. Although the country had been receiving refugees for many decades, it was only in 2006 that the country passed a genuine refugee law (*Ley General de Reconocimiento y Protección al Refugiado*, Ley 26.165). The law also incorporated the Declaration of Cartagena from 1984, which amplified the UNHCR definition of a refugee.

In 2003, Argentina initiated a process to sign and implement all pending international human rights treaties. The country started to build up its refugee system and related institutions as a part of its new human rights based approach. Remembering the traumatic experience of thousands of Argentine émigrés during the rule of the last military junta (1976-1983), Argentina passed legislation to raise its protection standards and in 2005 joined other Latin American countries in their common effort to resettle refugees. Together with law 26.165, a National Refugee Council (CONARE) was instituted in 2009, involving the Ministry of the Interior, the Ministries of Foreign Affairs, Justice and Social Development and other bodies, deciding on the claims of refugee status and assuming the responsibility of protecting the refugees' rights. Today, asylum seekers and refugees in Argentina have the right to acquire documentation testifying their status, enjoy the right to work and have access to basic services. Furthermore, refugees and asylum seekers have the same rights as any other foreigner, including the right of free movement within the country, provisions of health and education, access to the judiciary, and religious freedom. Since 1985 - the year the country started granting the status of refugee - Argentina received approximately 13,000 applications from asylum seekers from over 46 countries of origin, of which 3,200 were accepted. From 2006 to 2010, the biggest groups of asylum seekers were from Senegal (769 individuals), Colombia (665) and the Dominican Republic (547). Another group that benefitted from the new legal status are numerous Haitians who found refuge in the country after the devastating earthquake of 2010.<sup>33</sup> As of January 2014, UNHCR registered the presence of 3,362 refugees and 916 asylum seekers in the country, with 614 applications received in 2013.

## Challenges and Outlook

The migration law of 2004 was a turning point in recent history, revoking legislation that had not been fundamentally altered since the last dictatorship. It highlights the transition from a restrictive policy towards a realistic, open concept of immigration, which in its implementation still faces

considerable opposition from parts of the state bureaucracy and segments of society.<sup>34</sup> The law explicitly recognizes the contributions of migration to the country, and articulates the need for public policies to realize the aim of full integration. In this way, the new Argentine legislation positions the country firmly within a rights-based regime of migration. A similar outlook applies to the country's commitment concerning refugees, as Argentina welcomed 300 Syrian families in 2012 and 2013.

In the light of restrictive migration policies in the United States and Europe, in combination with a permissive legislation, it is very likely that immigration will continue to shape Argentina in the coming years, particularly from neighboring countries. Especially those communities already established are projected to grow further. But also the continuing inflow of returnees from Southern Europe is very likely, as the main destination countries for Argentine émigrés since 2001 continue to suffer under harsh fiscal, economic and social pressure.

Argentina's response to future immigration rests on two fundamental developments. Firstly regarding changes in the political situation, as the Kirchner administration has had more than ten years to implement its rights-based approach in national politics in coordination with a regional project of integration. The country is sharing similar political projects with major neighboring countries, especially Brazil and Bolivia, which facilitated the coordination of regional migration and the regularization of the status of migrants. Future Argentine governments may very well embark on a more restrictive path in issues of immigration and regularization in order to appease a more conservative and right-wing constituency. Secondly, the high growth figures since 2003 made Argentina once again an attractive destination for migrants. Since 2012, the post-2001-crisis, post-neoliberal economic model, based on a strong state, dominant export sectors and relative independence from international credit markets, is, however, experiencing serious difficulties. This applies not only to Argentina, but to the region as a whole. If this trend continues, it is possible that internal pressure to limit the inflow of people will alter the permissive framework which was successfully applied over the last ten years.

An optimistic résumé of these last ten years allows for the view that a new paradigm in Argentina's conceptualization of nationality is starting to take shape: from the principle of national sovereignty and self-determination towards one that defines the state's responsibility towards its residents under the status of human rights, and international and regional conventions, expanding the notions of citizenship and moving away from assimilationist discourses (see Box 4) and towards cultural pluralism in the creation of public policies.<sup>35</sup> Nonetheless, it is still too early to assess whether this change is also impacting the culture of xenophobia and sensibilities of superiority towards Latin American immigration shared by so many Argentines in their self-affirmation as a "white society". This might prove even more difficult in the light of severe economic and social problems that the country is currently facing, which are putting the national project of the Kirchner government under huge pressure.

## Notes

- <sup>1</sup> Martínez Shaw (1994).
- <sup>2</sup> Andrews (1980).
- <sup>3</sup> Castro (1991).
- <sup>4</sup> Rock (2002).
- <sup>5</sup> Trincheró (2006).
- <sup>6</sup> Devoto (2009).
- <sup>7</sup> Cortés Conde (2009).
- <sup>8</sup> Williamson (1999).
- <sup>9</sup> Williamson/Hatton (1994).
- <sup>10</sup> Nugent (1995).
- <sup>11</sup> Rein (2010).
- <sup>12</sup> Nugent (1995).
- <sup>13</sup> Biernat (2007).
- <sup>14</sup> Devoto (2009).
- <sup>15</sup> Benencia (2009).
- <sup>16</sup> OAS (2012).
- <sup>17</sup> Bologna (2010).
- <sup>18</sup> Bastia/vom Hau (2013).
- <sup>19</sup> Zubrzycki (2012).
- <sup>20</sup> Andrews (1980).
- <sup>21</sup> Organización Internacional para las Migraciones (OIM) (2012).
- <sup>22</sup> OECD (2009).
- <sup>23</sup> Ginieniewicz (2012); Esteban/Actis (2012).
- <sup>24</sup> Hierro (2013).
- <sup>25</sup> OECD (2013).
- <sup>26</sup> Brodsky/Rein (2013).
- <sup>27</sup> Martín-Pérez (2012).
- <sup>28</sup> OECD (2013).
- <sup>29</sup> Instituto Nacional de Estadística (Spain) (2014).
- <sup>30</sup> Novick (2012).
- <sup>31</sup> Hines (2010).
- <sup>32</sup> Tintori (2011).
- <sup>33</sup> Cavaleri (2012).
- <sup>34</sup> Baladrón et. al. (2013).
- <sup>35</sup> Domenech (2007).

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## Internet Resources

National Migration Department [Dirección Nacional de Migraciones]: [www.migraciones.gov.ar](http://www.migraciones.gov.ar)

National Population Department [Dirección Nacional de Población]: [www.mininterior.gov.ar/poblacion/poblacion.php](http://www.mininterior.gov.ar/poblacion/poblacion.php)

National Institute of Statistics and Census [Instituto Nacional de Estadística y Censos]: [www.indec.mecon.ar/](http://www.indec.mecon.ar/)

National Commission for Refugees [Comisión Nacional para los Refugiados]: [www.migraciones.gov.ar/conare/](http://www.migraciones.gov.ar/conare/)

International Organization for Migration - Argentina: [www.argentina.iom.int/](http://www.argentina.iom.int/)

Center for Latin American Migration Studies [Centro de Estudios Migratorios Latinoamericanos (CEMLA)]: <http://cemla.com/>

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