

Argentina: resettling refugees within the context of an open migration policy

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Argentina's human rights-based migration policy has helped regularise regional migrant flows and has also benefitted refugees with special protection needs. Far from jeopardizing the local economy or undermining social cohesion, migrants and resettled refugees have been instrumental in Argentina's swift economic recovery in recent years.

Argentina has a long tradition of immigration. Relatively high local wages, general economic prosperity, sound public education and a liberal legal framework encouraged European immigration, particularly between 1870 and 1914 and – though less significantly – in 1919–39 and 1945–60. By the time of the 1914 national census, one third of the population had been born in Europe, yet, despite some tensions, the experience of integration was largely a successful one.

As European immigration stopped almost completely around 1960, regional migrants became increasingly significant. In the 1990s Argentina experienced numerous regional migrant flows, attracted by job opportunities and the favourable dollar-peso exchange rate. Paradoxically the national legal framework¹ and accompanying migration policies had become increasingly restrictive. Even if deportations were rare, the impossibility of regularising their residency left thousands of Paraguayans, Bolivians and Peruvians in a legal limbo, and abuses were frequently reported.² On the other hand, several studies undertaken around 2000 clearly showed that regional migrants were making a useful contribution to Argentine society. Not only were they rejuvenating an otherwise ageing local population – and bringing cultural diversity at the same time – but their presence was proving essential in economic sectors such as construction, domestic work and the textile industry.

By the end of the decade – somewhat predictably – Argentina had evolved into a two-tier society in which a growing underclass had few or no rights, whether of labour, education or access to health. Moreover, legislation at that time encouraged the denunciation of irregular migrants and even some powerful national trade unions would go out of their way to overtly point at regional migrants as 'stealing jobs'. Regional migrants were becoming easy scapegoats for an increasingly complex economic situation.

The Argentine crisis came to a head in the national economic downturn of 2002 which witnessed a 300% devaluation of the national currency with devastating social consequences. Unemployment rose to 20%; under-employment rose to 17%; 42% of the population were living below the poverty line; and those in extreme poverty reached 27%. Although there was no evidence to support the accusation, at the height of the crisis regional migrants were held responsible for soaring crime rates and unemployment.

After a series of xenophobic attacks against regional migrants, a first step in the right direction was taken 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); the Agreement

permitted nationals of any of the six countries to reside in the territories of the others and granted them access to any economic activity on an equal basis with nationals. In 2004, Argentina unilaterally decided to suspend the deportation of migrants in an irregular situation who were nationals of bordering countries. The real turning point, however, only came with the sanction of a new migration law early that year, Law N° 25.871/04, which recognised a human right to migrate, and followed basically the main principles set by the 1990 Convention on migrant workers³; facilitated migratory regularisation; provided for equal treatment under the law for foreigners as for nationals; guaranteed the right to family reunification; and guaranteed access to health, education and social assistance for foreigners irrespective of their migratory status.

Additionally, a vast regularisation programme was launched – called 'Patria Grande' – which in its first phase (in 2005) granted residency to some 13,000 migrants who were not citizens of countries belonging to MERCOSUR, and between 2006 and 2010 facilitated the regularisation of a further 650,000 migrants from MERCOSUR.⁴

Unlike the new migration law that provided a general policy framework, Patria Grande was aimed essentially at migrant workers from MERCOSUR countries (full members and associate members) residing irregularly in Argentina before June 2006, who at that time represented 90% of migrants in the country. Patria Grande guaranteed their right to stay in, leave and re-enter Argentina, guaranteed their right to study and obtain work permits, and provided a first step to permanent residency.

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

Since 2004 unemployment has fallen to 7.3% and under-employment to a similar level. Poverty fell from 54% to 23.4% and extreme poverty from 27.7% to 8.2%. The number of foreigners with criminal convictions has stayed at around 28% but of these 28%, 70% currently are for drug-trafficking and connected crimes involving mainly foreigners in transit, not residents. 59% of Argentines agree nowadays that migrants should enjoy the same human rights as nationals, whether in health, education or access to justice.⁵

Resettling refugees in Argentina

It is against this historical context that in 2003 Argentina initiated a process to sign and implement all international

human rights treaties. This was intended to be part of a major shift in Argentina's domestic and foreign policy. Argentina then decided to build up its refugee system and related institutions as a part of its new human rights-based approach that had already tackled the situation of migrants. Remembering the thousands of its own citizens who had fled the country in the 1970s and the generosity of the international community towards its refugees, Argentina passed legislation to raise its protection standards and in 2005 joined other Latin American countries in their common effort to resettle refugees.

On 9 June 2005, Argentina signed a Memorandum of Understanding with UNHCR which specified particular criteria for refugees to be resettled in Argentina:

- survivors of violence or torture needing physical and legal protection
- women at risk
- those lacking prospects of local integration in countries of first asylum
- preferably those with urban profiles
- those with job skills
- families or women with children with strong integration potential.

From the outset the 'Solidarity Resettlement Programme' in Argentina was meant to be a contribution to the Mexico Plan of Action,⁶ ensuring physical security and free access to health services and education for resettled refugees. It also reflected the growing number of regional refugees with urgent protection needs and the recognition of resettlement as a significant durable solution.

A National Refugee Council (CONARE⁷) was set up under the leadership of the Ministry of the Interior and involving the ministries of Foreign Affairs, Justice and Social Development. To facilitate the successful integration of resettled refugees, Rosario, Mendoza and the City of Buenos Aires were designated as Provinces and Cities 'of Solidarity'. The province of San Luis joined the group in 2009. Between 2005 and 2011 some 230 refugees were successfully resettled in Argentina, mostly Colombian refugees from Ecuador and Panama.

An assessment of the Resettlement Programme would include several achievements, most notably that all resettled children attend primary or secondary school, and the guaranteed access to health services for all. Social integration has been overwhelmingly positive, with only two people deciding to return so far. In the area of employment, some refugees have had their academic credentials validated while others have received new training and are now fully integrated and self-reliant.

Challenges remain, however, and housing is probably the greatest. Although the implementing agency HIAS⁸ has been actively providing housing alternatives for resettled refugees since the inception of the programme they still lack access to national housing programmes. Other challenges stem from the fact that the personal profiles provided by UNHCR in the first country of asylum do not always match the criteria set by Argentine authorities;

additionally, some of the candidates for resettlement have already been rejected by other selection missions but no information or reasons are provided. To date, the programme has maintained a very low profile, which makes it more difficult to engage the private sector. Funding for the initial stages of resettlement is still a challenge.

Conclusion

Since 2002 Argentina has adopted an open rights-based migration policy so that Argentina has become the main destination country for South American migrants. Among them, Colombians stand out with some 54,020 now living in Argentina. Information from Argentine migration authorities confirms that a substantial proportion of them have special protection needs but that they preferred to enter the country as regular residents rather than as refugees.

According to Colombian consular authorities, Colombians in Argentina enjoy a high degree of social acceptance and integration – and are attracted also by other pull factors: a relatively well-off, open and equal society, a high human development index, low unemployment and the lowest homicide rate in Latin America.

Alongside the open access policy, Argentina is an emerging resettlement country, seeking to resettle particularly regional refugees with special protection needs. Argentina's request that candidates for resettlement meet certain criteria is in order to ensure high levels of local integration; in this respect local authorities are simply being realistic, rather than selective or whimsical.

As UNHCR has repeatedly highlighted, mobility is a potential tool of protection.⁹ From this perspective resettlement is one tool to help persons with protection needs; an open migration policy focusing on human rights and regional realities has proved to be another, and a largely successful one. Rather than opting for a restrictive migration policy based on border securitisation and ethnic concerns coupled with a more numerically generous resettlement programme, Argentina has chosen to adopt a different strategy: an open and human-rights based migration policy, preserving the resettlement tool for a smaller caseload of persons with specific protection needs.

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1. Regulated by National Law 22.439 of 1981

2. For more details see an interview with Martín Arias Duval, current National Director for Migrations, Revista Densidades Nro 6, Buenos Aires, May 2011 at www.mediafire.com/?fr2nfx5x755fuan

3. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

4. This figure includes the regularisation of MERCOSUR migrants by Patria Grande proper and by the 'MERCOSUR nationality criterion'. More statistics with a breakdown by nationality and gender available at www.migraciones.gov.ar/accesible/?estadisticas

5. Source: Infobarómetro survey, May 2010

6. www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf/3453
See also www.fmreview.org/FMRpdfs/FMR24/FMR2438.pdf

7. www.migraciones.gov.ar/conare/index.html

8. Hebrew Immigrant Aid Society www.hias.org/

9. See Katy Long and Jeff Crisp 'Migration, mobility and solutions: an evolving perspective', FMR issue 35 www.fmreview.org/disability/FMR35/56-57.pdf