

# **INTERACT – RESEARCHING THIRD COUNTRY NATIONALS’ INTEGRATION AS A THREE-WAY PROCESS - IMMIGRANTS, COUNTRIES OF EMIGRATION AND COUNTRIES OF IMMIGRATION AS ACTORS OF INTEGRATION**

Co-financed by the European Union

## ***Policy and Institutional Frameworks Country Report Argentina***

**Lila García**

INTERACT Research Report 2014/23



**INTERACT**  
**Researching Third Country Nationals' Integration as a Three-way Process -**  
**Immigrants, Countries of Emigration and Countries of Immigration as Actors of**  
**Integration**

**Research Report**  
**Country Report**  
**INTERACT RR2014/23**

**Policy and Institutional Frameworks – Country Report Argentina**

**Lila García**

Postdoctoral fellowship researcher, National Council of Scientific and Technical Research (CONICET) and University of Buenos Aires, Argentina and Migration and Asylum Program, Center of Justice and Human Rights, National University of Lanus, Argentina

© 2014, European University Institute  
Robert Schuman Centre for Advanced Studies

This text may be downloaded only for personal research purposes. Any additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the Robert Schuman Centre for Advanced Studies.

Requests should be addressed to [mpc@eui.eu](mailto:mpc@eui.eu)

If cited or quoted, reference should be made as follows:

Lila García, Policy and Institutional Frameworks – Country Report Argentina, INTERACT RR 2014/23, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, 2014.

THE VIEWS EXPRESSED IN THIS PUBLICATION CANNOT IN ANY CIRCUMSTANCES BE REGARDED AS THE OFFICIAL POSITION OF THE EUROPEAN UNION

European University Institute  
Badia Fiesolana  
I – 50014 San Domenico di Fiesole (FI)  
Italy

<http://www.eui.eu/RSCAS/Publications/>  
<http://interact-project.eu/publications/>  
<http://cadmus.eui.eu>

## **INTERACT - Researching Third Country Nationals' Integration as a Three-way Process - Immigrants, Countries of Emigration and Countries of Immigration as Actors of Integration**

Around 25 million persons born in a third country (TCNs) are currently living in the European Union (EU), representing 5% of its total population. Integrating immigrants, i.e. allowing them to participate in the host society at the same level as natives, is an active, not a passive, process that involves two parties, the host society and the immigrants, working together to build a cohesive society.

Policy-making on integration is commonly regarded as primarily a matter of concern for the receiving state, with general disregard for the role of the sending state. However, migrants belong to two places: first, where they come and second, where they now live. While integration takes place in the latter, migrants maintain a variety of links with the former. New means of communication facilitating contact between migrants and their homes, globalisation bringing greater cultural diversity to host countries, and nation-building in source countries seeing expatriate nationals as a strategic resource have all transformed the way migrants interact with their home country.

INTERACT project looks at the ways governments and non-governmental institutions in origin countries, including the media, make transnational bonds a reality, and have developed tools that operate economically (to boost financial transfers and investments); culturally (to maintain or revive cultural heritage); politically (to expand the constituency); legally (to support their rights).

INTERACT project explores several important questions: To what extent do policies pursued by EU member states to integrate immigrants, and policies pursued by governments and non-state actors in origin countries regarding expatriates, complement or contradict each other? What effective contribution do they make to the successful integration of migrants and what obstacles do they put in their way?

A considerable amount of high-quality research on the integration of migrants has been produced in the EU. Building on existing research to investigate the impact of origin countries on the integration of migrants in the host country remains to be done.

INTERACT is co-financed by the European Union and is implemented by a consortium built by CEDEM, UPF and MPI Europe.

*For more information:*

INTERACT

Robert Schuman Centre for Advanced Studies (EUI)

Villa Malafasca

Via Boccaccio 151

50133 Florence

Italy

Tel: +39 055 46 85 817/892

Fax: + 39 055 46 85 755

Email: [mpc@eui.eu](mailto:mpc@eui.eu)

**Robert Schuman Centre for Advanced Studies**

<http://www.eui.eu/RSCAS/>

## **Abstract**

This report offers a brief overview of current Argentine migration policy as it relates to its emigrants. In 2003, a law that recognizes the human right to migrate (law 25,871) was issued and included a section addressing Argentines abroad. What has been the impact, if any, of this framework? Has this recognition re-oriented state actions? By providing a review of the bibliography in Argentina, some programs and isolated actions, the current framework, agreements and actors, the report concludes that the legal framework has had little impact on public policies.

**Key words:** Emigration policies, Law 25,871, Argentina

## **Acknowledgments**

The author wants to thank Marinka Yossifon, member of the Migration and Asylum Program (Center of Justice and Human Rights, University of Lanus, Argentina), for her careful reading and revision of this report as well as to the editor, Simon Young for their detailed reading and comments, and to Agnieszka Weinar and Anne Unterreiner (European University Institute) for all their comments, support and patience.

**Table of contents**

- 1. Presentation ..... 7
- 2. Relevant state-level policies ..... 9
  - 2.1 Emigration policies ..... 9
  - 2.2 Diaspora policies ..... 11
- 3. Relevant local and/or regional level policies..... 12
- 4. Engagement of non-state actors ..... 12
- 5. List of stakeholders and actors ..... 12
- 6. Relevant agreements..... 13
- 7. Concluding remarks ..... 14
- 8. References ..... 15
- Annex 1: Policy and institutional frameworks. Examples ..... 17



## 1. Presentation

In the last ten years, Argentina seems to have focused again on its emigrants. It was not until 2003/4 (when law 25,871 was passed by Congress) that a reference to Argentines abroad was included in the country's legal framework. This circumstance shows both the limited priority that Argentina has assigned its emigrants; and that emigrants did not previously need legal regulation, even when Argentine foreign policy (where most countries locate their emigrant policy) was always categorized as juridical (*juridicista*).

Academic circles have matched this dearth of attention. The first conspicuous point is the limited bibliography addressing Argentine emigration: there is an absence of studies before 1950; a few from the 1960s to the 1980s (with pioneer works such as those of Oteiza); and a more powerful interest after 2000. In these more recent works two main themes emerge: (i) the significant (in number and composition) emigration of Argentines following the economic crash of 2000;<sup>1</sup> and (ii) the inclusion, in the Policy Migration Law adopted at the end of 2003, of a chapter related to the situation of Argentines abroad.<sup>2</sup> In general, authors note that Argentine emigration is a phenomenon that started in 1966 (Calvelo 2008; Ginieniewicz and Castiglione 2010).<sup>3</sup> However, the political identification of this condition is more recent (Clavijo and Santi 2010), as is academic interest.

Almost all research addresses the phenomena unilaterally (an issue already pointed out by migration studies in general): either from an Argentine perspective (the 'brain drain', the periods of the emigration, the causes, and recently, the performance of the state, etc.); or the situation of Argentines abroad (demographic data, special mobility, challenges and dis/advantages as Argentines, etc.). The situation in Argentina is rarely linked with the situation in the destination country (e.g. Garzón 2008).<sup>4</sup> Some issues, particularly in comparison with other countries, are almost unexplored: e.g. the case of the Argentine vote abroad.

This lack of scholarly interest can hardly be explained by the dimensions of the phenomenon, which are, after all, great. In numbers, Argentine emigration is barely less important than immigration to the country: so the lack of interest is not a question of numbers. According to the estimate made by Calvelo (2011), in 2010 1,026,000 Argentines live abroad; the first destination is the European Union with 36.5% of migrants (mainly in Spain and Italy).

In fact, the number of Argentine emigrants abroad is similar to the total immigrant population in Argentina: the percentage of immigrants in Argentina is 4.5% (IOM 2009-2014), or 1,805,000 persons; the percentage of emigrants, stands, according to the estimate above, at 2.5%. In addition, the Argentine population abroad has increased more rapidly than the immigrant population in Argentina. The immigrant population in Argentina has decreased from the 30% reached in 1914 (remaining around 4-5% since 1990). The annual Argentine emigrant population growth was of 30 per thousand (Calvelo 2011) in the same period, which is, she notes, higher than the Argentine population's growth. In fact, an estimated 300,000 people left the country 2001-2006 (Jachimowicz 2006).

There is no disagreement that "Argentina is a country of emigration". But there is also the widespread view that "Argentine emigration is very low". This combination, together with the (high)

---

<sup>1</sup> In two years (2001-2002) the number of emigrants reached almost 119,000. In the words of Nicolao (2010): "in only two years as many people left the country as in the last ten years".

<sup>2</sup> Other causes: (i) the self-perception of Argentina as an immigration country; (ii) the perception of Spain as a country of emigration (Actis and Esteban 2007).

<sup>3</sup> Pedrosa notes that the first emigrations started in 1946, but were very numerous (Pedrosa 2011a).

<sup>4</sup> More interestingly, some works addressing the link between emigration policies and the impact in the destination countries do not include references to Argentina. E.g. Vono 2006.

profile of Argentine traditional emigration (professionals, technicians... “the Argentine rich”),<sup>5</sup> seems to have undermined its position as an issue: policy-makers believed that no response was needed. 2001 brought Argentine emigrants into the spotlight: to the early problems concerning migration entrance control, other issues soon appeared (work and its conditions, health, become a *sains papier*), and particularly the distance between expectations and reality (Novick *et al.* 2005). Authors also recognized that after that period, “national authorities have tried to provide efficient and effective assistance to our emigrates” (Buirá 2006) e.g. re-opening several consular offices closed during 1995 (Buirá 2006).

In this manner, the lack of attention towards Argentine emigration has been transformed and emigration generally was incorporated into the current Argentine Migration Law. Although this law regulates the situation of immigrants, it opens a new chapter in Argentine emigration.

### §

The current Argentine policy framework concerning emigration, then, is governed by national Law 25,871 (“Argentine Migration Policy”), issued 17 December 2003 and in force since January 2004.<sup>6</sup> among the eleven titles or sections of the law, one of them (title IX, “On Argentines abroad”) addresses, though only briefly, the situation of Argentines abroad. This Law 25,871 (and its Decree 616/10) reflects a change in the treatment of Argentine emigrants. This is true, in as much as former migration laws lacked an emigration perspective and as emigration initiatives were fragmented into decrees and resolutions. Moreover, it has also been noted that Argentine public policies “have not duly reflected the attention that emigration demands” (Calvelo 2008).

The situation of Argentines abroad was one of the main guidelines of the law-project (García 2010). The discourse of the law turned on a contradictory morality: Argentina (public opinion, the media and the Ministry of Foreign Affairs) clamored about the rights of its nationals abroad; while at the same time extensive *razzias* (massive detentions) and other violations of immigrant rights were taking place in Argentina itself. In the words of the current Supreme Court judge, Eugenio Zaffaroni (2004) “our co-nationals suffer the same difficulties that the so-called Videla Law imposes in our country on Latin-American and MERCOSUR immigrants”.<sup>7</sup> NGOs and other civil society actors clamoured for the law’s approval just before the deadline: the bill was about to lose its “parliamentary status” (*estado parlamentario*).

Title IX of law 25,871 contains three articles: (i) article 102 refers to the possibility that the Argentine Government sign agreements with other countries where Argentine emigrants live in order to ensure them some labor rights;<sup>8</sup> (ii) article 103 refers to the right, for an Argentine emigrant who has lived for more than two years abroad, to introduce certain assets free from taxes;<sup>9</sup> (iii) article 104

<sup>5</sup> See for example “The wealthy Argentine” (*La Argentina pudiente*).

<sup>6</sup> Full text (official version) of the Law 25,871 is available on: <http://www.infoleg.gob.ar/infolegInternet/anexos/90000-94999/92016/texact.htm> [Accessed 2 July 2014]. There is an unofficial translation of the law available on: [http://www.limeres.com/pdf/1307997312-Argentina\\_Immigration\\_Law\\_Number\\_25871\\_English\\_Translation.pdf](http://www.limeres.com/pdf/1307997312-Argentina_Immigration_Law_Number_25871_English_Translation.pdf) [Accessed 2 July 2014].

<sup>7</sup> In the original: “nuestros connacionales sufren las mismas dificultades a que la llamada ley Videla sometió en nuestro país a los inmigrantes de nuestra región latinoamericana e incluso del propio MERCOSUR”.

<sup>8</sup> ARTICLE 102. — “El gobierno de la República Argentina podrá suscribir convenios con los Estados en los que residan emigrantes argentinos para asegurarles la igualdad o asimilación de los derechos laborales y de seguridad social que rijan en el país receptor. Dichos tratados deberán asimismo garantizar a los emigrantes la posibilidad de efectuar remesas de fondos para el sostenimiento de sus familiares en la República Argentina. El Poder Ejecutivo podrá suspender los beneficios otorgados por la presente ley respecto de los súbditos de aquellos países que tengan establecidas restricciones para los ciudadanos argentinos allí residentes, que afecten gravemente el principio de reciprocidad”.

<sup>9</sup> ARTICLE 103. — “Todo argentino con más de dos (2) años de residencia en el exterior que decida retornar al país podrá introducir los bienes de su pertenencia destinados a su actividad laboral libre de derechos de

establishes that Argentine embassies and consulates abroad will have the necessary services for keeping those Argentine nationals living abroad informed of exemptions and other allowances for their return to Argentina.<sup>10</sup>

The Decree that regulates this law, National Decree 616/10 (issued on May 2010), fleshes out only article 103. It establishes, in fact, that the National Directorate of Customs (*Dirección Nacional de Aduanas*), shall determine, *inter alia*, the proceedings, scope and benefits.<sup>11</sup>

## 2. Relevant state-level policies

In this section I will list and describe state-level emigration policies and diaspora policies, indicating state policy as well as responsible institutions. The diaspora-focused activities of non-governmental bodies will be referenced in section 4.

### 2.1 Emigration policies<sup>12</sup>

#### *Background*

In 1958 the “National Council of Scientific and Technical Researches” (“*Consejo Nacional de Investigaciones Científicas y Técnicas*” – CONICET) was created, inspired by the French *Conseil National pour la Recherche Scientifique*. CONICET created the first *Programa de Repatriación de Científicos en el exterior* (Program for repatriation of scientists abroad): “a very well-designed program” (Leiva 2005). It paid, for transportation for the scientist and his/her family, equipment for his/her research, etc.

In 1965, by National Decree 7558/65, the Special Commission for the Study of Scientist, Professionals, Techniques or Highly-qualified workers Migration was created (*Comisión Especial de Estudio de la Migración de Científicos, Profesionales, Técnicos u Obreros altamente calificados*).

In 1973, “the Government formulates an explicit policy addressed to the Argentines abroad”, through the *Plan Trienal para la reconstrucción y la liberación nacional* – 1974-1977 (Novick 2007: 311).

(Contd.) \_\_\_\_\_

importación, tasas, contribuciones y demás gravámenes, así como su automóvil, efectos personales y del hogar hasta el monto que determine la autoridad competente, hasta el monto y con los alcances que establezca el Poder Ejecutivo nacional”.

<sup>10</sup> ARTICLE 104. — “Las embajadas y consulados de la República Argentina deberán contar con los servicios necesarios para mantener informados a los argentinos en el exterior de las franquicias y demás exenciones para retornar al país”.

<sup>11</sup> ARTICLE 103 (Decree 616/10): “La DIRECCION GENERAL DE ADUANAS dependiente de la ADMINISTRACION FEDERAL DE INGRESOS PUBLICOS (AFIP) del MINISTERIO DE ECONOMIA Y FINANZAS PUBLICAS será la autoridad competente para determinar el procedimiento, alcances y montos de los beneficios impositivos a otorgar a los argentinos que retornen al país luego de haber residido en el exterior. Los bienes introducidos al país al amparo de tal régimen no podrán ser transferidos por actos entre vivos, ni gravados, por un plazo mínimo de DOS (2) años, contados a partir de su despacho a plaza, sin autorización previa de la autoridad competente. Quienes hubieren gozado de este beneficio sólo podrán acogerse nuevamente a él después de transcurridos SIETE (7) años, a contar de la fecha del acto administrativo por el que fue acordado”.

<sup>12</sup> According to INTERACT Project, “by emigration policy we understand any policy that facilitates emigration for work reasons (bilateral agreements on labour migration, arrangements for recognition of qualifications of own nationals abroad, agreements on portability of social rights...), as well as supports return (e.g. special programmes for returnees facilitating investment or re-insertion in the labour market and society at home)”.

With the return of democracy in 1983 (military *juntas* had periodically ruled from 1966 to 1982) these initiatives were renewed; however, “in the national elections of 1983, the issue of exile and return were practically inexistent in the proposals of the major political parties” (Novick 2007).

In 1984 the National Commission for the Return of Argentines abroad (*Comisión Nacional para el Retorno de los Argentinos en el Exterior*) was created by National Decree 1798/84 along with its two main programs: (i) assistance for repatriation, coordinated by UNHCR (United Nations High Commissioner for Refugees); and (ii) “Return of Talents” (*Retorno de Talentos – ROT*), under the Intergovernmental Committee for Migration (*Comité Intergubernamental para las Migraciones*).<sup>13</sup> The facilities offered were discounts on transportation, recognition of professional titles issued abroad and tax exemption for personal assets. The National Mortgage Bank (*Banco Hipotecario Nacional*) granted, at the request of the Secretary of Science and Technology (*Secretaría de Ciencia y Técnica*)<sup>14</sup> a quota of 500 mortgage-loans up to April 1987.

### *Present*

In the 1990s the Directorate of Argentines Abroad was created (*Dirección de Argentinos en el Exterior*, under the scope of the Ministry of Foreign Affairs). It established a Fund of Co-national Assistance (*Fondo de Asistencia al Connacional*).

In 2000 the “RAICES” Program<sup>15</sup> was formally created (Researches and Scientist abroad Network, *Red de Investigadores y Científicos en el Exterior*), which was relaunched in 2003 (due to the economic and institutional crisis of 2001, García de Fanelli 2008); in 2008 National Law 26,421 was issued, recognizing the program as a state policy.<sup>16</sup> The program depended on what is today the Ministry of Science and Technology.<sup>17</sup>

The objectives of RAICES are: (i) to spread Argentine scientific activities abroad; (ii) to enhance the link between Argentine researchers living in Argentina and those living abroad; (iii) to improve the quality and availability of the information about highly-qualified researchers and professionals that live abroad; (iv) to develop networks among Argentines at home and abroad; (v) to integrate Argentine researchers living abroad into the activities of the *Programa de Atención a Areas de Vacancia* (Program to Attention of Vacancy Areas); and (vi) to get the productive sector, foundations and other NGOs involved in the program.<sup>18</sup>

This program has an emigration perspective as well as a diaspora perspective: the first seeks to promote return through economic incentives (return subsidies and reintegration fellowships) and the creation of a database that contains the CVs of scientists and techniques living abroad. The Agency of Technological and Scientific Promotion (*Agencia Nacional de Promoción Científica y Tecnológica*) has designed the program: “Research and Development Projects for the settlement of researchers in Priority Areas” (*Proyectos de Investigación y Desarrollo para la Radicación de Investigadores en*

<sup>13</sup> Novick 2007. The Committee refereed must be the actual International Organization for Migrations (IOM).

<sup>14</sup> Note about the translation: the use of “technology” instead of “technique” was preferred since it is the translation adopted by official communications.

<sup>15</sup> The English translation for “raíces” is “roots”.

<sup>16</sup> Text of the law available (in Spanish) on: <http://www.infoleg.gob.ar/infolegInternet/anexos/145000-149999/147138/norma.htm> [Accessed 2 July 2014].

<sup>17</sup> The Ministry of Science and Technology was created in 2007.

<sup>18</sup> Information available in the web site of RAICES (in Spanish) on: <http://www.raices.mincyt.gov.ar/institucional.htm> [Accessed 2 July 2014].

*Áreas prioritarias* – PIDRI).<sup>19</sup> Through this initiative, the Agency provides financing (45,000 Argentine pesos) for each repatriated researcher.

Finally, the state emigration policy integrates some agreements that will be referred to below.

## 2.2 Diaspora policies<sup>20</sup>

From 1984 to 1989 several programs were created. The Scientific Argentine Heritage abroad Program (*Programa Patrimonio Científico Argentino en el Exterior*), organized by the former Science and Technology Secretary (Secretaría de Ciencia y Técnica), sponsored visits by Argentine scientists living abroad for a minimum period of two weeks to give courses and seminars, work in laboratories and carry out collective research (Leiva 2005). The same secretary also organized the European Community Cooperation Program (*Programa de Cooperación Comunidad Europea*), for financing visits to Argentina, for an annual period, for Argentine scientists living abroad.

Some International Cooperation Agreements, signed by CONICET (the national organ for Science and Technique) with similar organs in Europe: DAAD and DFG (German), CSIC (Spain), CNRS and the Inserm (France), CNR (Italy), and the Royal Society (United Kingdom).<sup>21</sup>

In 1990 the National Program to link Argentine Scientists and Technicians abroad was created (*Programa Nacional para la Vinculación con Científicos y Técnicos Argentinos en el Exterior*).

In 1991 Argentines abroad were given the vote by National Law 24,007 and Decrees 1138/93 and 2010/93. Currently, to reinforce voting rights, the program known as “25 Province” (*Provincia 25*)<sup>22</sup> was created in 2007 through Resolution 452/2007 from the Interior Ministry (*Ministerio del Interior*): to exercise this right, Argentines had to complete a special registration process *Registro de Electores Residentes en el Exterior* (Novick 2007). Through this program, the Argentine Government seeks: to ensure the voting rights of Argentines living abroad, by facilitating voting procedures; to create representative institutions in the communities of Argentines abroad; to propose the parliamentary representation of the Province 25 population; and to ensure the social rights of Argentines abroad (Luhilo 2007). However, effective participation has been limited and has decreased spectacularly from 1993 (60.55%) to 2005 (8.38%) (Pedrosa 2011a: 275).

In 1995 the program “CONICET out of homeland” (“*CONICET fuera de la Patria*”) was created through national Decree No. 242/95, “to use that enormous scientific force abroad, latent until now”.<sup>23</sup>

Also in 1995 a Decree concerning the nationality of persons born abroad was issued: Decree 231/1995 and Decree 1601/2004 establish Argentine nationality as an option for children, born abroad, of Argentine emigrants. There also exist dual nationality agreements with Spain and Italy.

In 2003 a census of Argentines in Spain was created (“*Censo de Regularización de Argentinos en España*”) to facilitate emigrants in the preparation of the documentation required in Spain to achieve

<sup>19</sup> [http://www.raices.mincyt.gov.ar/politicas\\_regreso.htm](http://www.raices.mincyt.gov.ar/politicas_regreso.htm). [Accessed 2 July 2014]. A guide to apply to the program, available on: [http://www.agencia.mincyt.gov.ar/upload/GUIA\\_PRH\\_PIDRI\\_2011-VENTANILLA\\_ABIERTA.pdf](http://www.agencia.mincyt.gov.ar/upload/GUIA_PRH_PIDRI_2011-VENTANILLA_ABIERTA.pdf) [Accessed 2 July 2014].

<sup>20</sup> According to the INTERACT Project, they are “all policies that target own nationals abroad and their descendents: state policy towards associations of emigrants, state actions keeping up links between the home country and diaspora, specific programmes targeting the diaspora, etc.”.

<sup>21</sup> Source: Leiva 2010.

<sup>22</sup> Argentina has 24 provinces within its territory. More details about the Program available on: [http://www.mininterior.gov.ar/provincias/provincia\\_25.php?idName=provincias&idNameSubMenu=provinciasProv25](http://www.mininterior.gov.ar/provincias/provincia_25.php?idName=provincias&idNameSubMenu=provinciasProv25) [Accessed 2 July 2014].

<sup>23</sup> Leiva 2005, 2010. There is not further information about this program.

regular residence. In the same year an agreement for the recognition of driving licenses in Spain was signed.

In terms of diaspora policies, the aforementioned RAICES Program developed three projects: (i) *Proyectos para el desarrollo de redes virtuales de investigadores* (Projects for the development of virtual networks of researchers), (ii) *proyectos de micro y medianas empresas* (projects for small and middle companies); and (iii) *proyectos de investigación científica y Tecnológica – PICT* (projects for scientific and technique research) (Luchilo 2007). The web site also indicates the existence of the next programs: (iv) “RAICES SIEMBRA”<sup>24</sup> (whose objective is to finance research projects jointly); (v) “RAICES PRODUCTIVO”,<sup>25</sup> links with business and professionals abroad to develop cooperation in technology.<sup>26</sup>

Finally, each year since 2010, RAICES honors emigrants that have contributed to developing links.

### 3. Relevant local and/or regional level policies

Under the aegis of the Parliament of the City of Buenos Aires (status of Province), in agreement with the University of Buenos Aires, the NODO ARGENTINO of the *Red Interregional de Científicos de América Latina y el Caribe* was created; its objective was the creation of a network of Argentine professionals living abroad and a space for regional academic interchange.

Under the scope of the Ombudsman Office (*Defensoría del Pueblo*) of the City of Buenos Aires the *Centro de Ayuda y asistencia al Inmigrante y al Emigrado* (Immigrant and Emigrant Helping and Assistance Center) was created.<sup>27</sup>

### 4. Engagement of non-state actors

The creation of certain associations of Argentines abroad was supported by the Ministry of Foreign Affairs: specifically initiatives in Germany, the United States and France. At present, the *Asociación de Profesionales Universitarios en Alemania* (APUA) in Bonn and the *Asociación para los Intercambios Científicos Franco-Argentinos* in France are active associations that helps links and exchanges (Leiva 2010).

Other associations seek to provide support to families where sons, daughters or grandchildren have emigrated: (i) *Muy cerca de la distancia*; (ii) *Madres desarraigo*;<sup>28</sup> (iii) *Lazos de Union*, City of Rosario, Province of Santa Fe (Novick 2007).

### 5. List of stakeholders and actors

Pedrosa (2011b) brings a list of associations of Argentines living abroad; given its extension, I will indicate only the number of associations in each country of the European Union: (i) Spain: 36 associations; (ii) German: 8; (iii) Italy: 7; (iv) France: 2; (v) Switzerland: 2; (vi) Belgium: 1; and (vii) England: 1.

<sup>24</sup> RAICES SIEMBRA: approximate translation “roots that sow”.

<sup>25</sup> RAICES PRODUCTIVO: approximate translation “productive roots”.

<sup>26</sup> See more in (Spanish) on: <http://www.raices.mincyt.gov.ar/lineas.htm> [Accessed 2 July 2014].

<sup>27</sup> The activities with emigrants were cancelled (Novick 2007).

<sup>28</sup> The web page [www.madresdesarraigo.org.ar](http://www.madresdesarraigo.org.ar) is no longer available. In an interview made for INTERACT, the former president of the association “Madres del Desarraigo”, Mrs. Adriana Abba, says it is not formally functioning.

The web site of the program Province 25 allows a search of associations by country.<sup>29</sup>

Others are the *Comisión Argentina por los derechos humanos*, *Comité de Solidaridad con el Pueblo Argentino* and *Asociación Argentina pro Derechos Humanos en Madrid* (Argentine Association for Human Rights in Madrid): a human rights association formed by the Argentines exiled under the last military government (Mira Delli-Zotti and Esteban 2007).

## 6. Relevant agreements

Since the most important incorporation of law 25,871 is article 2012 relating to emigrants (and the possibility of celebrating agreements), this section reviews existing agreements: many of them were adopted before 2003, an issue that should make us consider the impact of the law.

The agreements can be found on the web page of the Ministry of Foreign Affairs.<sup>30</sup> Argentina has signed agreements with Spain, Italy (and in Latin-America with Chile, Uruguay and Brazil) among others, in order to guarantee the social rights of Argentines living abroad, as well as foreigners living in Argentina. In 1997 another agreement was signed under the aegis of MERCOSUR (South Common Market, *Mercado Común del Sur*), the Multilateral Agreement in Social Security (*Acuerdo Multilateral de Seguridad Social en el MERCOSUR*) and bilaterally with Chile and Peru (1996).

### *On dual nationality*

In Argentina (as in many countries) citizens cannot hold more than one nationality. Argentina has signed agreements on dual nationality with the following EU countries: Spain (1969), Italy (1971) and some signed in the XIX<sup>th</sup> century with Sweden (1885).<sup>31</sup>

### *On Social Security Agreements*

- Agreement no. 9263. Social Security Covenant between Argentina and France. Signed in 2008. Argentine Law 26,752.
- Agreement no. 8833. Social Security Covenant between Argentina and Slovenian Republic. Signed in 2007. Argentine Law 26,465.
- Agreement no. 4977. Social Security Covenant between Argentina and Netherlands. Signed in 2002. Argentine Law 26,101.
- Agreements nos. 7535 and 4548. Social Security Covenant between Argentina and Spain. Signed in 1997; modified in 2005. Argentine Laws 26,273 and 25,707.
- Agreement no. 4904. Social Security Covenant between Argentina and Greece. Signed in 1984. Argentine Law 23,501.
- Agreement no. 5141. Social Security Covenant between Argentina and Italy. Signed in 1981. Argentine Law 22,861.
- Agreement no. 5404. Social Security Covenant between Argentina and Portugal. Signed in 1966. Argentine Law 17,219.

---

<sup>29</sup> Available (in Spanish) on:

[http://www.mininterior.gov.ar/provincias/p25\\_asoc.php?idName=provincias&idNameSubMenu=provinciasProv25&idNameSubMenuDer=intProvProv25Asoc](http://www.mininterior.gov.ar/provincias/p25_asoc.php?idName=provincias&idNameSubMenu=provinciasProv25&idNameSubMenuDer=intProvProv25Asoc) [Accessed 2 July 2014].

<sup>30</sup> Search at the web page <http://tratados.cancilleria.gob.ar/busqueda.php> [Accessed 2 July 2014].

<sup>31</sup> See information available on: <http://erica.cancilleria.gov.ar/en/node/3299> [Accessed 1 August 2014].

### *On driving licenses*

Agreements with Spain (signed in 2002) and Italy (signed in 2003) regarding the recognition of driving licenses in both countries.

### *Others*

In 2007 certain large companies (Techint Argentina, IBM, Siderar, SIDERCA, CORE y Tecpetrol) signed an agreement, jointly with the Secretary of Science and Technology (currently a Ministry) and the Argentine Foreign Office to offer technological jobs to Argentine professionals living abroad (Luchilo 2007).

## **7. Concluding remarks**

The current legal framework, which includes emigration, is important as part of an integral migration policy, in as much as a migration policy should include both spheres: emigration and immigration. However, both emigration and diaspora policies have remained the same in terms of intended recipients (scientists, technicians...), though they have gained in terms of long-term sustainability. The perspective of emigration policies (at the state-level or from civil society) is still mainly unilateral: the policies on linkages or transnational perspectives are only now beginning.

The programs “Province 25” and “RAICES” are perhaps the most concrete actions of the Argentine Government in establishing links with its population abroad (Nejamskis 2010) Currently, the RAICES program has repatriated more than 400 scientists and there are twenty financed networks that permit links between the national system and institutions abroad (Nejamskis 2010).

## 8. References

- Actis, W. and F. Esteban 2007. Argentinos hacia España (“sudacas” en tierras “gallegas”): el estado de la cuestión. In S. Novick (ed.), *Sur-Norte. Estudios sobre la emigración reciente de argentinos*. Buenos Aires: Catálogos, pp. 205-258.
- Buira, R. 2006. Políticas de Estado-diáspora en Argentina. In C. González Gutiérrez (ed.), *Relaciones Estado-diáspora: la perspectiva de América Latina y el Caribe*, México: Instituto de los mexicanos en el Exterior-Secretaría de Relaciones Exteriores-Universidad Autónoma de Zacatecas-ANUIES-Miguel Ángel Porrúa, pp. 299-311. Available on: [http://estudiosdeldesarrollo.net/coleccion\\_america\\_latina/relaciones-estado2/RelacionesEstado2\\_10politicas.pdf](http://estudiosdeldesarrollo.net/coleccion_america_latina/relaciones-estado2/RelacionesEstado2_10politicas.pdf) [Accessed 2 July 2014].
- Calvelo, L. 2008. *La emigración argentina y su tratamiento público (1960-2003)*. Paper presented to the III Congress of Asociación Latinoamericana de Población, ALAP, Córdoba, Argentina, 24-26 September.
- Clavijo, J. and S. Santi 2009. El Estado argentino y la emigración: cooperación, gobernabilidad y reciprocidad. In E. Domenech (ed.), *Migración y política: el Estado interrogado. Procesos actuales en Argentina y Sudamérica*, Córdoba: Universidad Nacional de Córdoba, pp. 167-200.
- García de Fanelli, A. 2008. Políticas públicas frente a la fuga de cerebros: reflexiones a partir del caso argentino, *Revista de Educación Superior*, 37, no. 148: 111-121. Available on: [http://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S0185-27602008000400008](http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S0185-27602008000400008) [Accessed 2 July 2014].
- Garzón, L. 2008. *El transnacionalismo como potencialidad: una perspectiva comparativa del transnacionalismo argentino y ecuatoriano en el campo cultural* [online]. Paper presented to the Simposio Nuevo retos del Transnacionalismo en el estudio de las migraciones, Barcelona, Spain, 14-15 February, available on: [http://www.mininterior.gov.ar/provincias/archivos\\_prv25/8\\_tc\\_lluis\\_garzon\\_transnacionalismo\\_argentino\\_y\\_ecuatoriano.pdf](http://www.mininterior.gov.ar/provincias/archivos_prv25/8_tc_lluis_garzon_transnacionalismo_argentino_y_ecuatoriano.pdf) [Accessed 2 July 2014].
- Ginieniewicz, J. and C. Castiglione 2010. *Acumulación y Transferencia de Capital Cívico: El Caso de la Inmigración Argentina a España*. Paper presented to the VI Congreso sobre las migraciones en España, Coruña, 17-19 September 2009. In: *VI Congreso sobre las migraciones en España*, Coruña: Universidade da Coruña, Servicio de Publicaciones, pp. 395-405. Also available on: [http://webiigg.sociales.uba.ar/pobmigra/archivos/castiglione\\_ginieniewicz.pdf](http://webiigg.sociales.uba.ar/pobmigra/archivos/castiglione_ginieniewicz.pdf) [Accessed 2 July 2014].
- IOM (International Organization for Migration). 2009-2014. *Overview* [online], Geneva: IOM, available on: <https://www.iom.int/cms/en/sites/iom/home/where-we-work/americas/south-america/argentina.html> [Accessed 2 July 2014].
- Jachimowicz, M. 2006. Argentina: A New Era of Migration and Migration Policy [online], *Migration Information Source*, 1 February, available at: <http://www.migrationpolicy.org/article/argentina-new-era-migration-and-migration-policy> [Accessed 2 July 2014].
- Leiva, M. 2005. *La emigración de profesionales y las políticas de vinculación. Una perspectiva social-histórica del caso argentino*. Paper presented to the V Coloquio internacional sobre gestión universitaria en América del Sur, Mar del Plata, Buenos Aires, 8-10 December.
- Leiva, M. 2010. La emigración de profesionales y las políticas de vinculación: el caso argentino. In E. Oteiza (ed.), *Patrones migratorios internacionales en América Latina*, Buenos Aires: EUDEBA.

- Luchilo, L. 2007. *Migración de retorno: el caso argentino* [online], working paper REDES n. 39, Buenos Aires : Centro Redes, available on: <http://www.centroredes.org.ar/files/documentos/Doc.Nro39.pdf> [Accessed 2 July 2014].
- Mira Delli-Zotti, G. and F. Esteban 2007. La construcción de un espacio político trasnacional Iberoamericano de defensa de los derechos humanos: el caso de la Asociación Argentina Pro Derechos Humanos de Madrid [online], *Revista Historia actual on-line*, no. 14, available on: <http://historia-actual.org/Publicaciones/index.php/haol/article/viewArticle/217> [Accessed 2 July 2014].
- Nejamskis, L. 2010. Políticas migratorias y prácticas transnacionales de los Migrantes. Un estudio del caso argentino, *Remhu. Revista Interdisciplinar da Mobilidade Humana*, 18, no. 35: 171-188. Available at: <http://www.csem.org.br/remhu/index.php/remhu/article/view/234> [Accessed 2 July 2014].
- Nicolao, J. 2010. El Estado argentino ante el reto de las migraciones internacionales: reflexiones del reciente cambio de rumbo en la política migratoria argentina, *Convergencia*, 17, no. 53: 205-228. Available on: [http://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S1405-14352010000200009](http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1405-14352010000200009) [Accessed 2 July 2014].
- Novick, S. 2007. Políticas y actores sociales ante la emigración de argentinos. In S. Novick (ed.), *Sur-Norte. Estudios sobre la emigración reciente de los argentinos*. Buenos Aires: Catálogos, pp. 297-362.
- Novick, S., M. Palomares, C. Castiglione, O. Aguirre *et al.* 2005. *Emigración reciente de argentinos: la distancia entre las expectativas y las experiencias*. Paper presented to the XXV Congreso de la Asociación latinoamericana de Sociología (ALAS), Porto Alegre, Brasil, 22-26 August.
- Pedrosa, F. 2011a. Entre la organización y el desencuentro: las asociaciones de emigrantes argentinos. In: L. Luchilo, *Más allá de la fuga de cerebros. Movilidad, migración y diásporas de argentinos calificados*, Buenos Aires: EUDEBA, pp. 269-296.
- Pedrosa, F. 2011b . Las asociaciones de inmigrantes argentinos en España, *Revista Historia actual on line* [online], no. 24, available on: <http://historia-actual.org/Publicaciones/index.php/haol/article/viewArticle/529> [Accessed 2 July 2014].
- Vono, D. 2006. *Vinculación de los emigrados latinoamericanos y caribeños con su país de origen: transnacionalismo y políticas públicas*. Santiago de Chile: CEPAL. Available on: <http://www.eclac.org/publicaciones/xml/0/28730/lcl2645-P.pdf> [Accessed 2 July 2014].
- Zaffaroni, E. R. 2004. Migración y Discriminación: La Nueva Ley en Perspectiva Histórica. In: R. Giustiani (ed.), *Migración : un derecho humano: ley de migraciones No. 25.871*, Buenos Aires: Prometeo.

## **Annex 1: Policy and institutional frameworks. Examples**

(Adapted from Gamlen, A. 2008. The Emigration State and the Modern Geopolitical Imagination, *Political Geography*, 27, no. 8: 840-856.)<sup>32</sup>

**Note.** I match the Argentines policies in force (**xx**) or formerly implemented (**x**).

### **Examples of policies on political ties**

Provisions for special IDs/visas;  
Permitting dual nationality; (**xx**)  
External voting rights; (**xx**)  
Military duty (do any bilateral agreements exist?);  
Specific policies addressed to expatriates by political parties. (**x**)

### **Examples of policies on socio-economic ties**

Providing pre-departure services;  
Bilateral agreements on labour migration (including social rights and portability of social rights);  
Customs/import incentives; (**xx**)  
Protection of social and labour rights of citizens abroad (by the state or other actors); (**xx**)  
Providing healthcare abroad;  
Special economic zones;  
Investment services;  
Tax policies (incentives, special levies); (**xx**)  
Facilitating remittances;  
Welfare and education services support;  
Financial products addressed to emigrants; (**x**)  
Property rights (full or restricted);  
Matching fund programs (as 1+1 in Mexico);

### **Examples of policies on cultural ties**

Providing national curricula education;  
Providing education in national language;  
Sponsored teaching of national language abroad;  
Honouring expatriates with awards; (**xx**)  
Convening diaspora/migrant communities congresses (by authorities of the state of origin); (**xx**)  
Convening diaspora/migrant communities congresses (by migrant organisations); (**x**)  
Providing media services (broadcast) abroad (by the state of origin or private actors);  
Cultural diplomacy strategy focusing on migrant communities and diasporas.

### **Special arrangements in institutional framework**

Expanded consular units; (**xx**)  
Bureaucratic unit, or dedicated ministry, focusing on emigrants, migrant communities abroad, returnees; (**xx**)  
Special legislative representation;  
Consultative expatriate councils or advisory bodies.

---

<sup>32</sup> This annex was provided by INTERACT.