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***ARGENTINA AND A SHIFT OF PARADIGM IN THE INTEGRATION OF
MIGRANTS FOR DEVELOPMENT***

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When dealing with migration and development, there is a need to acknowledge there is a shift in paradigm, not only on the conception of migration but also on the conception of development itself.

Therefore, in order to address the integration of migrants for development, we have to first address development in a comprehensive manner: a process of the evolution of a society that involves aspects related to culture, sociology, social inclusion, political participation, historic perspective, economic productivity, domestic and foreign policies and, most important of all, a human perspective as a centre of any approach to the subject of integration of migrants for development.

In the case of Argentina, through decisions taken recently, the State and the people have renewed their social contract -due to its traditional role as a receiving country- in order to respond to the complex nature of global migratory flows in the twenty-first century, which states clearly that there needs to be a paradigm shift in the way in which international migration is addressed.

In other words, we must shift from a security and border control approach, based exclusively on the concept of nation state, to a comprehensive human rights perspective, where the migrant is at the heart of government migration policy. And so should they be all policies related to the integration of migrants for development, in all its different aspects.

On the **sociological aspect**, in 1914 three out of four persons in the city of Buenos Aires did not speak Spanish, and immigrants represented 30% of the total population of the country. Today they represent 4,5%. In those remote times, Europeans were the main immigrants, as part of process that foster European immigration, explicitly stated in Art. 25 of the National Constitution. Nevertheless, since mid 20th century immigration came mainly from Latin America, and that trend continued and is increasing, today representing 80% of all immigrants. The sociological aspect of development also brings us back to the irony of *corsi e ricorsi* that shows us today how countries that until only a few years ago generated major migratory flows have become receiving countries. And that

many States that based their development on foreign labour now consider it to be undesirable.

On the **human development aspect**, many countries engage in domestic policies and legislation in order to address the integration of immigrants. There are no one-size-fits-all solutions or absolute truths where this process is concerned. Each region and each country present their own unique characteristics. The only element common to the whole process of migration is the human being. In the case of Argentina, we believe that legality is the foundation of any democratic society and a key requirement for foreign nationals to fully integrate into their host society. That is why it is so important to find mechanisms for easy access to legal migration that enable us to identify and register those people in our territories, while frustrating the dealings of unscrupulous traffickers who benefit financially from restrictive migration policies. Indeed, at the High Level Dialogue at the UN in 2006 we states already agreed that “for the full benefits of international migration to be realized, the rights of migrants must be respected”. Therefore it is not only a matter of States fulfilling their obligations under international human rights law but the respect of human rights of migrants is a practical necessity for development.

The **institutional and juridical aspect** is essential for the integration of migrants. The Argentine Republic has made every effort to ensure that this paradigm shift informs its migration policy and, consequently, the provisions of its new National Migration Act, which entered into force in January 2004 and changed dramatically the procedures and the conception of migration (the former legislation was issued by the last dictatorship). This new Act, the product of collaboration among various government and non-governmental sectors, reflects our country’s commitment to guaranteeing full respect for the human rights of migrants and their families and, at the same time, establishing mechanisms to facilitate the regularization of their status, on the understanding that such procedures are essential to achieving the full integration of foreigners in the host society.

The new legislation is considered as one of the most generous of recent legislation issued around the world. It is based on a simple principle of equality before the law and non discrimination between nationals and immigrants in the enjoyment of their rights, while living up to our nation’s traditional humanitarian and open attitude towards migrants and their families.

As an example, **Article 4** guarantees the right to migration as a fundamental and inalienable human right; **Article 5**: Equal treatment. “The State shall ensure the conditions that guarantee effective equality of treatment so that foreigners may enjoy their rights and fulfil their obligations”; **Article 6**: “The State, in all its jurisdictions, shall guarantee migrants and their families equal access, under the same conditions of protection, to the rights enjoyed by nationals, in particular as regards social services, public goods, health,

education, justice, work, employment and social security”; **Article 13:** “For the purposes of the present Act, discriminatory shall mean any act or omission determined by a person’s ethnicity, religion, nationality, ideology, political opinion, trade union affiliation, gender, economic position or physical traits, which arbitrarily prevents, obstructs or restricts the full exercise of rights and guarantees on an equal footing”; **Article 7:** Right to education. “In no case shall a foreigner’s irregular migrant status prevent him from being accepted as a student to an educational establishment, whether public or private, national, provincial or municipal, or at the primary, secondary, tertiary or university level. The administrations of educational establishments must provide guidance and advice on the procedures necessary to resolve irregularities in migrant status”; **Article 8:** Right to health. “The right of foreigners to health, social welfare or to health care cannot be denied or restricted, irrespective of their migrant status”

The **economic productivity aspect** is closely linked to and based on human rights. Immigration policy is part of a general policy of growth and development with social inclusion, in which protected labor is one of the main objectives. Argentina has concluded that full respect for the human rights of migrants and their families is key not only to fostering their full integration, but also in the opportunities given to them in order to contribute to the country’s economic, political and social development. Between 2003 and 2010 the amount of immigrants with formal labor in the private sector has increased by 91%, 30% more than that of nationals themselves. At the same time a Regional Social Security agreement entered into force, which extended the possibilities of migrants to accumulate their pension and retirement funds in another country that recognizes the contributions made through working in another Latin American country. In the education area, the enrollment of foreigners in universities around the country has increased by five times in the last four years.

The new open regulations made that in the period 2001-2010 total immigration grew 18%, of which 41% was from Latin American countries. Between 2003 and 2010 over 420.000 immigrants regularized their situation through a quick and easy process. And along with that regularization unemployment decreased by 6 points, to a present 6,7%. So in the case of Argentina, a practical experience of full integration of migrants, with easy access to regularize their situation and full respect of all of their human rights, proves that the classic preconceived notions about migrants having a negative impact in growth and increasing unemployment are relative and unsubstantiated.

We are also of the view that domestic security is better served by immigrants who are legalized in our territory and allowed to carry documents rather than marginalized and anonymous, leaving them vulnerable to unscrupulous employers and reprehensible traffickers.

On the **cultural aspect of development and the integration of migrants**, there is a shift in the perception of Argentina as the most "European" Latin

American country. The Common Market of the Southern Cone (MERCOSUR) affects the migrant reality of the Argentine Republic. MERCOSUR, its member States, including Argentina, Brazil, Paraguay, Uruguay and Venezuela and its associated States, including Bolivia, Chile, Colombia, Ecuador and Peru, form the basis for the migrant documentary legalization programme currently being implemented in Argentina, known to Argentines as the “Patria Grande Programme”, fostering regularization of immigrants of those countries through quick and easy procedures, with just the presentation of proof of nationality and lack of criminal records. For Argentina, the Patria Grande Programme means, inter alia, taking “a qualitative leap” in its whole approach to the issue of migration. It means no longer regarding migration as a “threat” or a “phenomenon” and beginning to associate it with integration, in this case, regional integration. It is our hope that that “Patria Grande” will be construed as:

- A Government policy that fulfils the commitments the country assumed with regard to the human rights, integration and mobility of migrants;
- A national documentary legalization programme for migrants, aimed at implementing measures to include and integrate the migrant population by facilitating their attainment of residence;
- A policy of solidarity with respect to regional integration benefiting nationals of the States members and associated States of MERCOSUR (Brazil, Bolivia, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela);
- A new settlement policy based on proof of nationality of one of the countries in the region and whose guiding principle is good faith.

In the hope that none of these aspects will be overlooked, Argentina has decided to take a people-centred approach in its public policies on migration and to promote migration as a “qualitative leap” in achieving integration based on solidarity. Integration also means respecting the cultural and ethnic diversity of the various countries concerned, in terms of both the human and social rights of migrants and their families, irrespective of their immigration status.

In conclusion the shift of approach to the issue of the integration of migrants for development is a consequence of the shift of paradigm in approaching migration issues as well as development issues. In order for development to be sustainable, it needs to be comprehensive, human centered and aimed at social inclusion, especially of those most needed.

In recovering the human rights perspective of migration and development we foster new opportunities for societies to enrich themselves through the incorporation of nationals from other countries, who bring their perspective, values and culture into the shaping of the receiving country. This has been the main feature in the shaping of Argentina as a nation, and that is what today this same feature is inspiring our immigration policy, in order to be faithful to the invaluable historic and present contribution of immigrants to our country.

