

Chapter 3

Diaspora Policies, Consular Services and Social Protection for Argentine Citizens Abroad



Ana Margheritis

3.1 Introduction

Argentina has a relatively short experience in addressing emigration as a policy issue and engaging with its citizens residing abroad. The topic has started to be studied in the last two decades, but specific literature is still scarce. This chapter aims at explaining the general institutional framework by which Argentina's authorities interact with nationals abroad, with a specific focus on social protection. It shows that Argentina's policies for citizens abroad have not institutionalised yet as a distinct and vibrant sphere of action and most initiatives have waxed and waned over time. Such lukewarm approach is characterised by ambivalence, intermittent and selective engagement, and relatively little development in terms of responding to social protection needs of national abroad.

In particular, this chapter presents a detailed account of the policies, programmes and services offered by Argentine authorities across five specific policy areas: unemployment, health care, pensions, family-related benefits, and economic hardship. For each of these areas, the existence of initiatives is traced at the national, subnational and regional levels, with specific emphasis on the five top country destinations for Argentine emigrants: Spain, USA, Italy, Paraguay and Israel.

The main findings provide evidence to characterise engagement as lukewarm, showing that neither the state nor citizens abroad have been pro-active on regular basis; thus, when both migrant and state activism converged, engagement intensified for a while to lose momentum later. In particular, in terms of social protection policies, the findings indicate that (a) priority has been given to pensions and social security issues; (b) there is currently an attempt to facilitate access to protection and benefits through simplified bureaucratic practices and virtual means, and (c) rights

A. Margheritis (✉)
University of Southampton, Southampton, UK
e-mail: A.Margheritis@southampton.ac.uk

of Argentines residing within MERCOSUR countries are enacted by regional agreements, yet regional integration remains at a low level of institutionalisation, regional norms are not fully binding, norm implementation is not homogeneous across member states, and access to benefits is contingent on the country of residence's implementation capacity.

The following section provides some background information on the profile of the Argentine diaspora and main characteristics of the home country engagement. This includes an overview of the institutional infrastructure by which Argentina's authorities engage with nationals abroad and the main components of such engagement policies. The second section focuses on the specificities of the above-mentioned social protection policies. The third section summarises the main findings.

3.2 Diaspora Characteristics and Home Country Engagement

3.2.1 The Argentine Diaspora and its Relations with the Homeland

Argentina was historically (and still is) considered a place for immigration. Emigration has received increasing academic and political attention in the last few decades, and especially since the 1990s, when the numbers rose significantly and the characteristics of flows changed. While in the past emigration had been considered a temporary problem, mostly linked to political instability and persecution, in the early 2000s it started to be seen as a relatively constant and heterogeneous trend, related to the deteriorating political and economic situation (for a brief historical overview, see Jachimowicz 2006).

Antecedents of policy initiatives towards emigration are to be found in the late 1950s, when governments showed some concern with the exit of scientists and drew up some plans to repatriate them. After the return to democracy in 1983, governments were sensitive towards the hardships endured by former political exiles. In the context of reparatory measures, in 1991 Law 24,007 was passed to allow Argentines living abroad to vote (Novick and Murias 2005).

In terms of numbers, emigration increased since the mid-1970s and peaked at the time of the 2001 crisis and immediately afterwards. The profile of the last wave of Argentine emigrants (i.e., young, educated, with relatives or networks in Spain—which together with Italy became a preferred destination—, employed at the time of living, and mostly non-active in migrants' associations) is closely related to the initial steps by the Argentine state to promote transnational links in early 2000s (Margheritis 2016).

According to the UN Population Division (Department of Economic and Social Affairs), in 2017 the total number of Argentine emigrants was 977,200.¹ This figure, which has been relatively stable since 2005, is around 2.27% of the total population of Argentina (44.3 million in 2017). These numbers are consistent with the information in the last country profile published by the Organisation for International Migrations (OIM 2012b). In the last (mid-term legislative) elections of 2017, 362,820 Argentines residing abroad were entitled to vote.² For the same year, the top five destinations were Spain, the USA, Italy, Chile and Paraguay, in this order, with the first three countries attracting around 55% of the total. The gender composition of emigrants was balanced.³

3.2.2 *Diaspora Infrastructure*

Historically, immigration was inextricably linked to Argentina's state- and nation-building processes. The imperative to populate its vast territory translated into an open door policy in late nineteenth century, preferably regarding European newcomers. At the turn of the century, the country indeed received massive immigration and the flows continued until the 1960s approximately, helping to consolidate the image of being a country of immigration (FitzGerald and Cook-Martín 2014:299–332). As Cook-Martin (2008) ably explains, Italy, Spain and Argentina constituted a 'migration system' since mid-nineteenth century and became linked as sending and receiving countries whose roles reversed when the direction of massive migration flows reversed toward the end of the twentieth century. Over time, the three countries competed for establishing or maintaining citizenship links with the same group of migrants and their descendants. Thus, nationality laws, the creation of specialised offices, administrative centralisation and red tape translated those efforts and conditioned migrants' strategies, as well as those of future generations. For example, Argentines of Spanish or Italian descent have access today to dual citizenship, which in the European context allows them to reside, work, and access social benefits in destination/host countries. This may facilitate the re-orientation of mobility in times of crisis and discourage mobilization to demand services to the home country. As some studies indicate, in comparison to other groups, the last massive wave of Argentines emigrants moving to Europe in early twenty-first century seem to be keen on using dual citizenship to 'blend' within the host society and integrate via the labour market rather than engaging in associational life with co-nationals; they also tend to rely on relatively high human and social capital, adopt

¹ See https://migrationdataportal.org/?i=stock_abs_origin&t=2017&cm49=32, accessed 25 February 2019.

² Cf. https://www.clarin.com/politica/360-mil-argentinos-residen-exterior-habilitados-votar_0-B1JRWtIpZ.ht ml, accessed 26 February 2019.

³ Cf. <https://datosmacro.expansion.com/demografia/migracion/emigracion/argentina>, accessed 26 February 2019.

individualistic strategies, and seek very little support from institutions of the home country or migrant-related non-governmental organisations (Margheritis 2017b).

Given this historical background, Argentina's coming to terms with different waves of emigration is a relatively new phenomenon, only partially incorporated into political rhetoric and actions. The inclusion of Argentines abroad in political discourses and specific policies of the home country becomes evident only in the aftermath of the 2001 crisis, when there was a peak in emigration flows. It is in that decade that consular services and institutions expanded and informal relations with some groups of nationals abroad intensified,⁴ although intermittently. On both sides of the relationship, testimonies indicate that there was not a tradition of engagement and low capacity to set stable and inclusive participatory mechanisms of dialogue.⁵

Notable developments in that decade include the attempt to carry out an online census of nationals abroad, the expansion and institutional upgrade of the office of Argentines Abroad within the Ministry of Foreign Affairs, and the launching, in 2004, of the Province 25 Programme within the Secretariat of Provinces at the Ministry of Interior, named after the imaginary, extra-territorial province.⁶ The rationale behind the initiative was that the state has to help to recover or maintain nationhood links with expatriates, especially with those who left around the time of the 2001 crisis and felt extremely disappointed by, and upset with, the country and the political elite; that is, those who felt "expelled" by a socio-economic model that failed to provide for their needs and aspirations. The 2001 crisis confirmed their sense of frustration, reinforced negative expectations about the future, and accelerated their plans to emigrate. Although the reference in the label to an imaginary province never translated into any legal or constitutional update of the country's administrative structure, the immediate goals of this program at the moment of launching were quite ambitious: to facilitate certain procedures to support citizens abroad (e.g., ID and passport renewals, police record certificates, etc.) and to encourage political participation and representation of nationals abroad. Over the years, the Province 25 Programme went from a phase of intense activity and exchanges with migrant associations (particularly those in Spain) between 2007 and 2009 to low-profile, assistance-oriented activities since then.

This is better understood in the context of broader migration dynamics. Given receding emigration and the domestic repercussions of increasing immigration from neighbouring countries,⁷ in the current decade Argentina re-focused its attention towards immigration issues. Institutional expansion happened in relation to all immigration issues. In contrast, deprived of the political impulse given by former

⁴For instance, the 2005 regularization process in Spain created an opportunity to develop an incipient relationship between Argentine consulates and some migrant associations.

⁵For a detailed historical overview and analysis of the evolution of the relations between the country of origin and nationals abroad, see Margheritis 2016.

⁶Argentina is politically and administratively divided into 23 provinces plus one autonomous district (the capital city). Argentines abroad would represent the fourth largest province in terms of population.

⁷For details on this point, see OIM 2012a.

president Néstor Kirchner in the early 2000s, emigration initiatives were put on hold and followed an inertial path. The Province 25 Programme relied on very few staff members and, turning away from its initial political goals, re-focused in the last decade on providing information to citizens residing abroad, mainly online. Until 2015, it worked in informal and sporadic contact with two small, related institutions: the Department of Argentines Abroad, within the General Directorate of Migrations at the Ministry of Interior, and the Directorate of International Migrations, within the Ministry of Foreign Affairs. The programme is now absorbed within the new online platforms for Argentines abroad;⁸ its twitter account was created in 2010 and not updated since 2015.

The Macri administration (2015–2019) has made extensive use of online portals to communicate with citizens at home and abroad in all areas of policy, including the creation of a web page dedicated to nationals abroad.⁹ It is also to be noted that the terminology of ‘Argentines abroad’ has switched to ‘Argentines in the world’ recently.

In sum, in terms of institutional actors, the Ministry of Foreign Affairs and Worship outstands in this realm as the main institutional actor. As it is in charge of foreign policy and representation in foreign countries and international organizations, its functions include consular affairs, defined as protection and assistance to citizens living abroad, as well as strengthening of links with the country. It maintains informal contacts to coordinate with all other offices mentioned above. No specific diaspora institution has been created yet.

Similarly, there is no record of variation for the basic consular services across the five top destinations for Argentines abroad, although the scope of the consular network varies in each country (six in Spain, seven in the USA, three in Paraguay and one in Israel).

3.2.3 *Key Engagement Policies*

In the framework of the above institutional infrastructure, relations between the country of origin and nationals abroad have remained largely non-institutionalised and informal. The main attempt to develop engagement policies was the creation of the Province 25 Programme which, as it was explained above, lags behind its initial goals. Such programme underwent a phase of intense activity and exchanges with migrant associations (particularly those in Spain) between 2007 and 2009. Several meetings with representatives of emigrants were held and a bill to create the “Exterior” (extra-territorial) District and grant emigrants parliamentary

⁸ See <https://www.argentina.gob.ar/interior/secretaria-de-provincias-y-municipios/argentinos-en-el-exterior>, accessed 25 February 2019.

⁹ See <https://www.argentina.gob.ar/argentinosenelmundo>. Accessed 10 May 2018.

representation was submitted in 2009.¹⁰ This was an attempt to actually constitute a new constituency out of the group of citizens residing abroad and extend their political rights so they can not only vote in national elections but also elect their own representatives to the national legislative body as other territorial districts of the country do. However, the project did not receive enough endorsement in Congress. The meetings did not lead to the institutionalisation of a specific mechanism of dialogue and collaboration like neighbour countries have (e.g., consultation councils).¹¹

Political participation of nationals abroad in election processes is possible. The right to vote in presidential and national legislative elections was established by Law 24, 007 in 1991. In the context of democratization, it was then seen as a 'reparatory' measure towards those political exiles who left the country during the dictatorship, rather than an engagement policy. It has indeed generated limited engagement as voter registration and voting have remained relatively low (Margheritis 2017a). Standing as candidates is not an option for nationals abroad. Franchise for citizens abroad in regional or subnational elections does not exist.

The Macri administration attempted to facilitate procedures regarding the exercise of political rights abroad. Citizens living abroad used to be expected to register before casting a vote. Since 2017, by Decree 403, citizens living in other countries whose current domicile abroad is properly recorded in their ID are automatically included in the Registry of Voters Residing Abroad and can cast a ballot in the consular office with jurisdiction in their area of residency. Another recent innovation (implemented in the October 2017 elections) is the setting of an information stand at the main airport to inform nationals abroad of voting rights, requirements, and procedures.¹² Epistolary voting was implemented for the first time in the 2019 elections as established by Decree 45/2019.¹³

In spite of these developments, major political parties do not have a department and/or position dedicated to dealing with nationals residing abroad and have not engaged in a major parliamentary debate on these matters lately. Yet, PRO (*Propuesta Republicana*/Republican Proposal, the party leading the coalition in power for the period 2015–2019) has created a website to gather proposals from Argentines abroad and engage them with the proposed changes above.¹⁴

In addition to the registration of voters already mentioned, the former Argentine Government attempted to develop a comprehensive registry of nationals abroad. To

¹⁰ See full text of the bill at <http://boletinargentino.blogspot.com/2009/12/argentina-creacion-del-distrito.html>. Accessed 12 May 2018.

¹¹ On this respect, a bill to create councils of residents abroad and a general council of emigration was sent to Congress in 2004 but it has not been approved yet. See <http://www.diputados.gob.ar/proyectos/proyecto.jsp?id=49684>. Accessed 15 May 2018.

¹² See <https://www.argentina.gob.ar/noticias/elecciones-2017-stand-informativo-en-ezeiza-para-los-argentinos-en-el-exterior>. Accessed 15 May 2018.

¹³ See <https://www.argentina.gob.ar/noticias/los-argentinos-en-el-exterior-ya-pueden-votar-por-correo-postal>, accessed 9 March 2020.

¹⁴ See <http://www.pro.com.ar/argentinosenelexterior/>. Accessed 10 May 2018.

that effect, these nationals can request their registration in the so-called *Libro de Matrícula*/Matricular Registry of the consulate, at the nearest consulate to their place of residency abroad. Registration is optional and free. They can also request a certificate or proof of registration for a fee, and such certificate would be valid for a year. The Ministry of Foreign Affairs recommends registration as a way of facilitating administrative procedures and creating a channel of communication so citizens abroad can receive relevant information. It is also possible to register online at the general website of the Argentine Government.¹⁵

The Argentine consular network assists nationals abroad with the traditional consular procedures, such as obtaining or renewing passports, identification documents, and other. There is no record of norms regarding honorary and mobile consulates, but public officials confirmed that Argentina does not have honorary consulates and the practice of setting mobile consulates does indeed exist. Embassies and consulates organise the itinerary and frequency of visits depending on the needs in each location.¹⁶

Regarding the economic dimension of engagement policies, it is worth mentioning that Argentina has signed bilateral treaties for the avoidance of double taxation of its citizens abroad with 21 countries and other initiatives were discussed in the mid-2000s. Yet, in spite of discussions on mortgages or special bank accounts to citizens abroad, no economic policies related to remittances or investments have ever been adopted.

Although there is no specific policy to encourage return, the Government provides online information available on procedures, documents required, and tax exemptions for personal goods and other items.¹⁷ Argentina also developed a specific programme towards scientists within the Ministry of Science: RAICES, *Red de Argentinos Investigadores y Científicos en el Exterior*/Network of Argentine Researchers and Scientists Abroad. One of the goals of this programme is to encourage return of highly skilled emigrants.¹⁸ Another policy in the area of return consists in subsidies to encourage returnees and knowledge transfer (e.g., scientists who intend to return may apply for support in the form of a subsidy, a fellowship, or participation in a productive project).¹⁹ As of February 2019, the online page of the programme informs that 1323 scientists have returned to Argentina.²⁰

In the realm of culture, the National Directorate of International Cooperation, within the Ministry of Culture, is the main institution with the mission of promoting Argentina's culture among nationals residing abroad²¹ but there are no specific

¹⁵ See <https://www.argentina.gob.ar/argentinosenelmundo/registro>. Accessed 9 May 2018.

¹⁶ Interview with the author, Argentine consul in Cadiz, Spain, 10 April 2018.

¹⁷ See <https://www.argentina.gob.ar/secretaria-de-provincias/guia-para-argentinos-que-desean-retornar-al-pais>. Accessed 24 October 2018.

¹⁸ See <http://www.raices.mincyt.gov.ar/institucional-presentacion.php>. Accessed 25 February 2019.

¹⁹ See details under 'repatriation actions' in the link above.

²⁰ Cf. <http://www.raices.mincyt.gov.ar/>, accessed 25 February 2019.

²¹ See <https://www.cultura.gob.ar/institucional/organismos/direccion-nacional-de-cooperacion-internacional/>. Accessed 11 May 2018.

policies to grant access to educational facilities or to create incentives for the creation of non-for-profit associations. Notable exceptions include the existence of five Argentine schools abroad to provide complementary education on language and social sciences (in the USA, Switzerland and France).²² In addition, nationals residing abroad have the possibility of taking exams at embassies or consulates to complete secondary education.²³ Regional norms offer further opportunities: the Protocol of Educational Integration (signed in 1994 by MERCOSUR members) allows continuity in education when on the move by validating diplomas of primary school and mid-level/non-technical education.²⁴

In terms of the basic consular protection, the website of the ministry informs what consulates can do for nationals living abroad and what consulates cannot do for them. It states that, under no circumstances, consulates or embassies are responsible for cash benefits or any financial help,²⁵ although in practice, this constitutes a grey area as routine protocols of consulates are not available online but public officials acknowledge that they have some discretionary power to help and/or re-direct some cases to international organizations or host country institutions.²⁶

More generally, consular services include some classic services such as the use of the postal address of the consular office for the reception of private correspondence, general assistance and orientation regarding legal, medical and notarial matters, assistance to people who are injured or have serious health problems (although this does not involve economic disbursement by the consul or Argentine authorities), the granting of passports and other IDs, legalisation of documents, and notarial services. More specific services and other forms of assistance by consular offices include: informing relatives about accidents or deaths, catastrophes and provide advice in such situations; facilitating communication with relatives to inform them about a person's situation and needs; being interested in detained or imprisoned nationals and, under certain circumstances, transmit messages to their relatives; ensuring the defense of the Argentine citizens in court by seeking information about the process, the person's state of health, and ensuring the maintenance of dignified conditions of hygiene and housing, in the case of detainees. Regarding documentation, consular offices can authorise all acts that can be performed by public notaries

²² See <https://www.argentina.gob.ar/educacion/innovacionycalidadeducativa/escuelasargentinasenlexterior>. Accessed 11 May 2018.

²³ See <https://www.argentina.gob.ar/rendir-examenes-en-el-exterior-para-terminar-el-secundario>. Accessed 11 May 2018.

²⁴ See <https://www.argentina.gob.ar/reconocimiento-de-certificados-titulos-y-estudios-de-nivel-primario-y-secundario>. Accessed 11 May 2018.

²⁵ See <https://www.mrecic.gov.ar/funciones-consulados-argentinos-en-exterior>. Accessed 20 October 2018.

²⁶ This information comes from personal communications with public officials at the Ministry of Foreign Affairs of Argentina. They often refer to internal norms that guide daily activities of consulates, but these are not available online. Law 20.957 regulates the functions of Argentine Foreign Service, including duties and working conditions of its personnel, but it does not specify consulates' activities. See <http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/18795/text-act.htm>. Accessed 15 October 2018.

in the country, especially legalisation, award of the nationality option to children of native Argentines born abroad, and processing documentation (e.g., record updates, duplicate ID, changes of address, etc.).

The consular network does not provide certain services such as paying the costs of repatriation of ashes or mortal remains of Argentine citizens who died abroad nor providing money for medical expenses, hospitalization, surgery, or medical repatriation. Consular offices are also not expected to pay bills (such as hotel bills, legal, medical or any other expenses), provide tickets or means to return to Argentina except in very special circumstances of proven indigence or extreme vulnerability that merit the evaluation of repatriation, under strict compliance with certain requirements. It is to be noted, however, that in the early 2000s, the Ministry of Foreign Affairs managed a Fund for the Assistance to co-nationals that served to repatriate migrants with no economic resources as well as to support financially those facing medical emergencies (Buirra 2006).

3.3 Diaspora Policies and Social Protection in Argentina

Social protection in Argentina has mirrored the high volatility in politics and economics, as well as the cycles of state intervention and withdrawal (or, cycles of protection and lack of protection) shaped by various development strategies (Barbeito and Goldberg 2007). More recently, the attempt to bring back the state and increase the protection to vulnerable social sectors has been part of the post-neoliberal, neo-populist discourse in the aftermath of the dramatic 2001 crisis (Grugel and Riggirozzi 2007). Maintaining social welfare programmes has been a key component of president Macri's approach since 2015. The need for flexibility in social spending was acknowledged in the early 2018 agreement reached with the International Monetary Fund, in the context of concerns with domestic order.

Moreover, the nature of the institutional framework and character of engagement policies described above indicates that Argentina's attempt to develop diaspora policies has not followed a linear, progressive path. It has rather advanced in stops and goes in the development of such policies, that is, state outreach efforts have been intermittent and of varying intensity. Some initiatives have been relatively successful in terms of achieving initial goals, such as the RAICES Programme. Others have somehow faded or reached a plateau. That is the case of the Province 25 Programme (Margheritis 2016:109–112). There has been little progress in the area of social protection for non-resident citizens, although Argentina offers a number of programmes to assist resident citizens.²⁷ Providing information has become, instead, the main component of the current Government's approach to emigrants. In practice, information diffusion seems to be part of general policies rather than a

²⁷ For a summary as of February 2018, see an official online chart at <https://www.argentina.gob.ar/politicassociales/informacion-sobre-planos-y-programas-sociales/guias-de-programas-sociales>. Accessed 13 October 2018.

protection or assistance mechanism fully integrated into a package of diaspora engagement policies. The fact that, when consulted, consulate officials refer to the national institution for general information illustrates this point.²⁸

A few other mechanisms of protection are worth mentioning here. For instance, nationals living abroad suffering from discrimination can report this to the INADI, *Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo*.²⁹ This is a free service and can be done by phone, email or webpage. There is no information online of what action is taken after a complaint made by a citizen residing abroad, if any, or what procedures follow suit in the host country. INADI only informs online that domestic reports are investigated, advice is offered to victims, a solution is sought and a final report is prepared.

Finally, access to social protection is included within regional norms and, therefore, can potentially impact the small group of Argentines residing in a neighbouring country under consideration here: Paraguay (which hosts around 58,535 emigrants, that is, around 5% of the total).³⁰ According to MERCOSUR's Residency Agreement (agreed on 2002, effective since ratification by all member states in 2009), Argentines have access to free circulation within MERCOSUR member states and access to legal residency and related rights, such as right to work, petition, exit/entry, worship, family reunification, and send remittances. Regarding employment and access to health services, they are offered equal treatment vis-à-vis nationals of the country of residency and the possibility of consolidating all contributions into a single social security scheme in the country of residency at the moment of retirement –being this Argentina or another country.³¹ The 1998 *Declaración Socio-laboral*/Social and Labour Declaration of MERCOSUR establishes principles and rights, such as equality of rights, treatment and opportunities in the area of employment regardless of race, nationality, gender, age, religion, political ideology or other social or family condition, as well as equality of rights and working conditions for migrant workers vis-a-vis nationals in the host country.³² In 2015, a similar Declaration ratified these principles and established the right to assistance, information, protection and equal rights and working conditions, regardless of nationality. In the framework of MERCOSUR, a Multilateral Agreement on Social Security was also adopted in 1997 (effective since June 2005), thus making possible for workers to accumulate contributions in any member state

²⁸ Personal communication, Minister, Argentine Embassy in London, 18 April 2018.

²⁹ See <https://www.argentina.gob.ar/denunciar-discriminacion-para-argentinos-en-el-exterior>. Accessed 10 May 2018.

³⁰ Cf. <https://datosmacro.expansion.com/demografia/migracion/emigracion/argentina>, accessed 1 March 2019.

³¹ See http://www.mercosur.int/innovaportal/v/6425/5/innova.front/residir_y_trabajar_en_el_mercosur. The *Cartilla de Ciudadanía*/Citizenship Booklet provides further details. See <http://www.cartillaciudadania.mercosur.int/es>. Accessed 16 October 2018.

³² See http://www.mercosur.int/innovaportal/file/4506/1/es_declaracion-sociolaboral.pdf. Accessed 15 May 2018.

and consolidate them as if they had been made in only one country. As a result, workers are also entitled to social security benefits in any member state, including health coverage in case of illness and insurance policy in case of accidents at work.³³ However, the full and proper implementation of these ‘portable’ rights within the bloc is contingent on the nature of regional integration in South America. MERCOSUR has a long and mixed record of slow and conflictive movement towards its goals, despite the fast advance of its socio-political agenda in the 2000s (Margheritis 2013). Because of MERCOSUR’s norms enter into force once each member state has ratified them, lack of provisions regarding member compliance and dispute settle mechanisms (Pucheta 2014), and power asymmetries between member states, the exercise of rights is uneven across groups and geographies.

The assessment of progress on free circulation, protection of migrants’ rights and regional citizenship within the MERCOSUR made for the 2013 World Forum on Human Rights held in Brazil, confirms the limits of MERCOSUR as a tool for the protection of citizens abroad. Although only a small segment of the entire Argentine diaspora reside in a neighbouring MERCOSUR member state (Paraguay), conclusions of the Forum indicate that the protection and exercise of rights within MERCOSUR in general face serious obstacles in practice and full implementation of regional accords is still pending. Reasons for these underwhelming outcomes include (a) the lack of adaptation and harmonisation of national legal and institutional frameworks to the new norms, and (b) bureaucratic obstacles such as lack of budget, technical and managerial expertise, and information systems (IPPDH 2013:19).

Overall, although comprehensive information is not available, scattered evidence shows that intra-regional migrants face similar challenges in all countries and the actual exercise of rights and access to social welfare benefits vary significantly across immigrant communities, depending on their relative position in ethnic hierarchies, resilient forms of stigmatization by the host society, and migrants’ spatial segregation. In addition, gender, age, ethnicity, and time of arrival matter. Many migrants are not even aware of their rights and properly informed of how to make claims; most of them experience lack of protection, insecurity, discrimination, and abuses daily (Margheritis 2018).

3.3.1 Unemployment

In the twenty-first century, Argentine Governments implemented a number of measures to address unemployment, including unemployment allowance, job training, job creation, redundancy payments/compensation, and subsidies to employers, among others (for details, see Bertranou and Paz 2007). For most of them

³³ See http://www.mercosur.int/msweb/portal%20intermediario/Normas/normas_web/Decisiones/ES/Dec_019_097_.PDF. Accessed 25 April 2018.

permanent residence³⁴ in the country and physical presence at in Argentina to submit an application (as application is personal and needs to be done in the closest office to their domicile)³⁵ are listed as a qualifying criteria. These benefits are therefore not available to non-resident citizens. In addition, there is no specific or additional policy in the area of unemployment for citizens abroad beyond the limited provisions of the MERCOSUR agreements. Lastly, as shown above, the missions of consulates are narrowly defined and they do not help citizens abroad seek jobs or obtain work permits in host countries.

3.3.2 *Health Care*

As noted by Bianculli and Hoffmann (2016), the right to health did not appear in Argentina's constitutional framework until recently; full recognition happened simultaneously with structural reforms and decentralisation, which partially dismantled and questioned universal health provision. Argentina does have a universal health system that offers free treatment to both national and foreigners. At present, a specific health policy for Argentines abroad does not exist but they can access public health when visiting the country for free (regardless of place of residency and socio-economic condition) unlike foreigners which, since 2018, are subject to medical fees except if they are legal residents proceeding from MERCOSUR member states as they are entitled to the same benefits as nationals.³⁶ For Argentines residing in a major destination country such as Paraguay that is also member of MERCOSUR, access to health coverage in the country of residency is therefore established in the Residency Agreement. Yet Argentines residing in Paraguay and other MERCOSUR countries are affected by the fact this organization is essentially inter-governmental, and ministries of health differ significantly in competences, organisation, and funding which means that compromises are difficult to achieve and agreements are not always incorporated into domestic legal framework. Overall, because of the focus of MERCOSUR has been on disease control and epidemic prevention, the portability of health entitlements remains very underdeveloped (Bianculli and Hoffmann 2016). As a consequence, as noted by the Regional Manual on Migrants' Human Rights, whereas some South American countries have incorporated the right to health coverage in their national migration legislation, implementation issues, cost or requirement to present valid ID often prevent effective access (OIM/IPPDH 2017:101).

³⁴ See <https://www.argentina.gob.ar/politicassociales/informacion-sobre-planos-y-programas-sociales/guias-de-programas-sociales>. Accessed 24 October 2018.

³⁵ See <https://www.argentina.gob.ar/tramitar-la-prestacion-por-desempleo>. Accessed 8 October 2018.

³⁶ See <https://www.minutouno.com/notas/3063508-atencion-medica-gratuita-extranjeros-que-pasa-el-resto-del-mundo>. Accessed 5 October 2018.

Looking at the role of consulates, they provide general information in the area of health but do not engage in seeking services for residents abroad and cannot petition preferential treatment in hospitals or prisons of host countries for Argentines residing abroad.

3.3.3 Pensions

The pension system in Argentina has been recurrently in crisis and subject to several reforms. Long-term, general characteristics included decreasing coverage (i.e., lower and lower pensions and mounting difficulties to access) and increasing fiscal deficit. Hence, as a result of a deep crisis affecting the entire state apparatus, it underwent several partial reforms. A major attempt to privatise social security occurred in 1994, with mixed results.³⁷ The 2001 crisis exposed the lack of social protection in this area again. Centralised, public management by the state was restored via a major structural reform in 2008. As Danani and Beccaria (2011) show, this illustrates the point above about historical cycles in social protection in general, or lack of thereof.

Notwithstanding a chronic critical situation, it is worth noting that pensions is a notable exception within the lack of fully-fledged diaspora engagement policies. In this area, for the past few years nationals residing abroad can rely on some assistance to consolidate contributions made in more than one country and related procedures. There is consistent information provided online by the main national institution in charge of social security and consulates.

The main national institution in charge of pensions is the ANSES (*Administración Nacional de la Seguridad Social*/National Administration of Social Security) and provides the same information on procedures to retired nationals abroad as the Ministry of Foreign Affairs. It also informs online of international agreements with Brazil, Chile, Uruguay, Spain, Italy, Portugal, Greece, and MERCOSUR members.³⁸ MERCOSUR norms became effective after 1 June 2005 and replaced former bilateral agreements with Brazil and Uruguay. ANSES further informs of agreements with other countries, such as Belgium, Colombia, Slovenia, France, Luxemburg, and Peru, as well as the Inter-American Multilateral Agreement on Social Security, effective since 1 August 2016.³⁹

The main implication of these agreements concerns the portability of pension contributions made by Argentines who have worked in several countries and allow them to consolidate all contributions in a single pension scheme. For Argentines residing in Paraguay and other MERCOSUR countries, the MERCOSUR

³⁷ See details in CEPAL 2004; for a comparative perspective and persistent weaknesses of the Argentine social security system, see De Mesa and Bertranou 1997.

³⁸ See <https://www.anses.gob.ar/tramites/trabajadores-en-el-exterior/>. Accessed 15 May 2018.

³⁹ See <https://www.anses.gob.ar/prestaciones/prestaciones-por-convenio-internacional/>. Accessed 15 May 2018.

Multilateral Agreement on Social Security allows for the transfer of contributions from one member state to another is done via administrative offices of the countries in which they worked –most often, the ministries of Social Security or Employment (OIM/IPPDH 2017).

In addition, nationals abroad may also request to the home country a revision in the amount of their Argentine pension via the *Programa de Reparación Histórica*/ Historic Reparation Programme (created in June 2016) based on legal sentences of the Supreme Court and other courts.⁴⁰ This programme aims at solving two chronic problems: improving pensions (which have seriously deteriorated historically) and ending legal suits to the state by pensioners.

To receive an Argentine pension abroad, nationals residing abroad have to submit life certificates regularly (twice a year). They have to report to the national social security agency by submitting ID and pension payslip. Consulates assist retirees with the life certificate by transmitting the certificate via electronic means to the national social security agency: the ANSES. This was designed as to give retirees an optional means of submitting the certificate and to expedite the procedure.⁴¹ Retirees can submit the certificate to consulates in person or via regular mail.⁴² This represents an innovation implemented in early 2017 as a result of inter-ministerial cooperation between the Ministry of Foreign Affairs and the ANSES.⁴³

Beyond these provisions, there is no cash or in-kind benefits and specific programmes to attend the needs of retired nationals residing abroad and consulates limit their role to the provision of information.

3.3.4 *Family-Related Benefits*

Support to families has increased in Argentina since early 2000s under Governments of different political orientation. Existing programmes include the so-called a universal child allowance, universal allowance for social protection during pregnancy, and family allowance for children with special needs. Most of them have clear conditions for access to the benefit and/or duties such as proof of children attending

⁴⁰ See <https://www.argentina.gob.ar/consultar-si-estas-incluido-en-la-reparacion-historica-de-jubilados-y-pensionados>. Accessed 15 May 2018.

⁴¹ See <https://www.argentina.gob.ar/dar-fe-de-vida-supervivencia-para-jubilados-y-pensionados-argentinos-en-el-exterior>. Further information is available in the ANSES website: <https://www.anses.gob.ar/tramites/supervivencia-fe-de-vida/>. Accessed 15 May 2018.

⁴² See <http://www.csidn.mrecic.gov.ar/es/content/anses-informacion-para-jubilados-y-pensionados-que-residen-en-el-exterior>. Accessed 15 May 2018.

⁴³ See <https://www.caserosada.gob.ar/informacion/eventos-destacados-presi/38505-jubilados-y-pensionados-que-residen-en-el-exterior-pueden-acreditar-supervivencia-por-medios-electronicos>. Accessed 15 May 2018.

school, pregnancy regular checks, etc.⁴⁴ Residency in the country is a requisite to apply for the universal child allowance.⁴⁵ Thus, the access to such social protection is not available to non-resident citizens. Other type of assistance to families, such as access to paternal leave, child benefits, cash or in-kind benefits upon birth of a child or during the period of raising children, does not exist for Argentines abroad.

Argentine consulates assist families residing abroad in a limited way by facilitating certain bureaucratic procedures. For example, nationals of Argentina residing abroad cannot obtain a birth certificate for their children born abroad from their home country but they can request birth certificates of their children born in Argentina. Children of Argentine nationals born abroad can opt to have Argentine nationality and the process can be initiated either in Argentina or in the country of residency via the closest consular office.⁴⁶

In the area of education, Argentine families abroad have the right to register for online long-distance primary and secondary education for children of Argentine nationals but the system is designed primarily for those who are residing abroad temporarily. The goal of the *Servicio de Educación a Distancia* (Distance Learning Service) is to allow these children to keep practising the language, cultivate the feeling of belonging to their country of origin, and facilitate their re-incorporation to the national educational system upon returning.⁴⁷

3.3.5 *Economic Hardship*

The *Plan Nacional de Seguridad Alimentaria*/National Plan of Food Safety contemplates access to food for those in situations of extreme vulnerability. Likewise, the *Plan Nacional de Protección Social*/National Plan of Social Protection and *Plan Nacional de Primera Infancia*/National Plan of Early Childhood target households and infants in similar conditions. Other programmes address specific basic needs, such as access to the public network of natural gas. They are all implemented via social assistance in situ.⁴⁸ Thus, these benefits are not available to non-resident citizens. In short, this type of policies do not reach out to citizens residing abroad. Also, the Ministry of Foreign Affairs informs that, under no circumstances, consulates or embassies are responsible for financial help. It also informs that families are

⁴⁴ See details at <https://www.argentina.gob.ar/politicassociales/informacion-sobre-plan-y-programas-sociales/guias-de-programas-sociales>. Accessed 8 October 2018.

⁴⁵ See <https://www.argentina.gob.ar/tramitar-la-asignacion-universal-por-hijo-auh>. Accessed 8 October 2018.

⁴⁶ See <https://www.argentina.gob.ar/opcion-de-nacionalidad-argentina-para-hijos-de-argentinos-nacidos-en-el-exterior>. Accessed 9 October 2018.

⁴⁷ See <https://www.argentina.gob.ar/educacion/gestioneducativa/sead>. Accessed 9 October 2018.

⁴⁸ See details at <https://www.argentina.gob.ar/politicassociales/informacion-sobre-plan-y-programas-sociales/guias-de-programas-sociales>. Accessed 8 October 2018.

responsible for repatriation.⁴⁹ Nevertheless, in practice consulates have the discretion to help in extraordinary circumstances and/or re-direct the case to international organizations or host country institutions. This constitutes a grey area of action, subject to assessment on a case-by-case basis.

3.4 Conclusions

In early twenty-first century, Argentina made an attempt to tackle what was perceived as the increasingly visible problem of emigration. The number of emigrants peaked at the time of the dramatic political and economic crisis in 2001, exacerbating a historical trend of outflows due to politico-economic problems and state failed policies. Thus, emigration was part and parcel of the social debt that democratic governments felt compelled to address. However, engagement with the diaspora started only two decades later and the sending state's approach has mainly been based on assistance, that is, on facilitating certain solutions rather than expanding the scope of protection or building partnerships. After some short instances of activism on both sides, engagement faded and diaspora issues have not been high on the agenda of Argentine governments in the current decade.

The main initial motivation to expand services to emigrants derived from emigrants' profile and, to some extent, the need of an emerging governing coalition to build up its identity and support base in the aftermath of the 2001 crisis. Also, given the concern with national development, this approach has led to an emphasis on return of highly qualified citizens living abroad and/or scientific collaboration as a way of reversing the emigration trend and compensating for the loss of human capital. Political enfranchisement—not a new, engagement-oriented measure but a pre-existing right—remained confined to extra-territorial voting in presidential and national legislative elections. A few other measures aim at cultivating links with the country of origin but these are thin in the area of social welfare protection or benefits.

This is not surprising given the historical record of cycles in state intervention/withdrawal and protection/lack thereof. Moreover, the state itself has constituted a hurdle in emigrants' access to social protection. Bureaucratic practices have been reformed several times but still face serious challenges, such as the lack of a comprehensive and strategic vision to strengthen policy consistency, uneven distribution of technical capacities, scarce coordination across the state apparatus and levels of government, and overwhelming role of the executive power on decision making (Margheritis 2016: 112–116). In addition, as it was explained in this chapter, diaspora policies constitute a relatively new area of state intervention in which expertise was scarce and progress is still incipient and intermittent. Engaging with Argentines

⁴⁹ See <https://www.mrecic.gov.ar/funciones-consulados-argentinos-en-exterior>. Accessed 17 May 2018.

abroad was a relatively new task for traditional consular offices in the twenty-first century.

Looking at the demand side, the size of the emigrant community has remained relatively stable after the last peak at the turn of the century. Claims and mobilization have not been intense, constant and effective enough to resonate domestically on regular basis and become a driver of engagement. Some groups of Argentines abroad have proved able to advance a few demands at specific moments in time. But associational life revolves mainly around cultural and social issues; the level of organization varies considerably across associations and destination sites; in general, members' participation is very low. For the majority of emigrants, memories of recurrent crises and losses that prompted their departure still translate into distrust of state institutions, thus making them reluctant to cultivate links with co-nationals and visit or consult with official offices. For many of them, access to a second (generally, European) nationality facilitates a strategy of 'invisibility' (Margheritis 2017b).

As a result, by all accounts, Argentina has implemented some measures to address the needs of its nationals abroad, though in a limited fashion. Comparison with other Latin American countries show that Argentina has joined this regional trend but has not lead it in terms of policy scope and innovation. This is confirmed by both quantitative and qualitative accounts (Pedroza and Palop-García 2017; Margheritis 2016, respectively).

The Argentine authorities' approach has also been selective and somehow shaped by relations with countries of destination. The RAICES Programme clearly targets highly skilled emigrants who are being enticed to either return or maintain professional involvement in the country of origin. The bilateral relationship with Spain was deemed at times as 'strategic' due to historical colonial ties and relatively strong economic and cultural links. Being the place of residency for some political exiles since the 1970s and more recent economic emigrants, former administrations made outreach efforts, although at present no additional or specific protection policies are implemented in that country.

Overall, thus, Argentina has exhibited a lukewarm and intermittent approach to diaspora engagement. No specialised office or formal consultative mechanism have been created yet. As this study shows, there is little progress on social protection at the transnational level, except for the area of pensions. In the last 3 years, the most notable developments regarding emigrants are the extensive use of online means of communication to diffuse practical information of interest to nationals abroad and the change of terminology to address them: rather than placing them 'in the exterior' of the national borders, emigrants are today 'in the world' –a language nuance which might indicate simply geographical dispersion and/or an incipient attempt to foster inclusion in the country of origin.

Whereas the MERCOSUR agreements place Argentines residing in another country of the bloc in a theoretically more favourable position when it comes to access to social protection, the exercise of those rights is contingent on host countries' capacity to implement regional norms. Significant change is not expected from a bottom-up source as pressure from civil society is limited and regional institutions remain relatively impermeable to its input (Pucheta 2014; Grugel 2005).

Overall, we can safely conclude that because Argentina stands out in the South American context as a net receiving country. Immigration rather than emigration has been a core concern for policy-makers in spite of the emigration peaks of the early 2000s.

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