

A Study of Argentina's Experience in Participating in Regional Migration Governance in South America —from the Perspective of Interaction between Domestic and Foreign Affairs

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Abstract: *This paper focuses on how Argentina participated in regional migration governance in South America from the late 1990s to the beginning of the 21st century from the perspective of interaction between domestic and foreign affairs. Through the analysis, this paper argues that the changing demands of Argentina's regional migration governance at the domestic and diplomatic levels in different periods influenced the path of Argentina's participation in regional migration governance, which led Argentina to choose three different governance approaches—bilateral, multilateral, and unilateral, and the governance effects showed a process of continuous optimization. In addition, Argentina has played a leading and dominant role in the development and promotion of regional migration governance regime in South America. Finally, this paper will briefly analyze the challenges faced by the regional migration governance regime established and promoted by Argentina with the recent changes occurred in the domestic and the regional environments since 2015.*

Keywords: *regional migration governance; Argentina; South America; regional integration; irregular migration*

1. Introduction

In today's world of increasing globalization, the movement of people across borders has become an increasingly common phenomenon. The *World Migration Report 2020* published by the International Organization for Migration's estimates that the number of international migrants worldwide has reached 272 million in 2019 (about 3.5% of the world's population), far exceeding the 174 million in 2000 (about 2.8% of the world's population).^[1] As a complex transnational phenomenon, migration often involves many dimensions and can have an important impact on a country's social security, economic development, and foreign policy. Nowadays, developed countries, represented by the United States and Western Europe, are the main immigrant-receiving countries. Based on "national security" considerations, these countries generally adopt restrictive immigration policies, resulting in many "illegal immigrants", "irregular immigrants" or "undocumented immigrants". The increasing number of these phenomena also suggests that there should be active cooperation between countries to form an effective "migration governance".

Currently at the global level, an effective migration governance regime has not yet been developed. However, at the regional level, with the development of regional integration, migration governance regime aimed at promoting the free movement of nationals of member countries of regional organizations among member countries have been formed in some regions, among which the Schengen Agreement of the EU is the most typical. Similar to the EU, migration governance regime aimed at protecting the rights of migrants and promoting the free movement of migrants within the region have also been established in the South American region. For example, the MERCOSUR Residence Agreement has not only facilitated the movement of labor migrants within the region, but has also reduced irregular migration in the region. Argentina, as the largest migrant-receiving country in South America, has played an important role in the development and promotion of regional migration regime in South America. This paper will focus on Argentina's experience of participating in regional migration governance in South America, and examine how Argentina has participated in regional migration governance in South America through various paths from the perspective of interaction between domestic and foreign affairs.

2. Definitions of “migration” and “migration governance”

The definition of the concept of migration is currently controversial in academic circles,^[2] as “technical definitions, concepts and categories of migrants and migration are necessarily informed by geographic, legal, political, methodological, temporal and other factors.”^[1] This paper adopts the definition of the United Nations International Organization for Migration (IOM), which defines migration as “any person who is crossing or has crossed an international border, or any person who leaves his or her place of habitual residence within a country, regardless of (1) the person's legal status; (2) the voluntary or involuntary nature of the movement; (3) the reasons for the movement; or (4) the duration of the stay.”^[3]

However, we must also make a distinction between the concepts of “immigrant” and “refugee” because a refugee is necessarily an immigrant, while an immigrant is often not necessarily a refugee. The regional migration in South America discussed in this paper refers mainly to irregular migrants and labor migrants in South America, and does not refer to refugees. Therefore, the term “migrants” in this study is a narrow concept that refers to those who voluntarily choose to move from one country to another for short or long periods of time, without any external coercion, in pursuit of a better job or life, and does not include refugees, exiles, or those who are forced to leave their homes.

The concept of “governance” has also been defined quite a bit in current scholarship. The concept of “governance” has been defined as a structure formal and informal institutions, a process, a mechanism and a strategy.^[4] In this study, we consider “governance” as a structure and define it as “systems of rules”. Therefore, “migration governance” in this paper refers to the various formal or informal regimes designed and implemented by actors such as states or international organizations to address migration issues.

3. Argentina, the country of immigration

Argentina is a country typically made up of immigrants, as the proverb says: “Argentinos descenden de los barcos. (Argentines’ ancestors came from the ships.)” The vast majority of Argentina’s population is descended from European immigrants over the last two centuries.

In the early years of independence in the 19th century, South American countries pursued a policy of encouraging immigrants to move in because of the sparseness of the land and granted various facilities to white immigrants from Europe. From the 1860s onward, Argentina’s population grew rapidly as immigrants moved in. Argentina’s population grew rapidly from 1.8 million in 1869 to 7.9 million in 1914. By the 1930s, Argentina was the second largest recipient of European immigrants, following the United States, with a net migration of 3.5 million between 1857 and 1930, representing 60% of the total population growth.^[5]

As the massive wave of European immigration was interrupted during World War I, the share of regional migrants from South America in Argentina's international migration began to rise, but grew more slowly for a long time. In the 1914 census, regional migrants from South America accounted for only about 9% of overall immigration, and by 1947, about 13%.^[6] The increase in regional migration was mainly due to the industrialization of Argentina from the 1930s onwards, when the country implemented an import-substitution development model that led to the large migration from the rural areas to the urban areas. Between 1930 and 1944, approximately 852 000 people migrated from the rural areas to the urban areas.^[7] The out-migration of people from the interior provinces created a severe labor shortage. The demand for labor and the large economic income differential attracted a large number of immigrants from neighboring countries into Argentina.

Beginning in the 1960s, as the post-war European economies recovered and Argentina’s own economic growth slowed, Argentines began to move to Europe, which led to a sharp decline in the number of European immigrants moving into Argentina. In 1970, the number of regional immigrants from neighboring countries accounted for 24.2% of the total number of immigrants received in Argentina. The proportion reached 39.5% in 1980 and exceeded 50% in 1991. Since that, regional immigrants have become the majority of immigrants in Argentina. They accounted for almost 70% of the total number of immigrants in 2010. The graph below shows the change in the percentage of immigrants from neighboring countries and non-neighboring countries among the immigrants received by Argentina since 1869 until 2010.



Figure 1: Changes in the share of immigrants from Argentina's neighboring countries and non-neighboring countries in the overall migration between 1869 and 1990^[8]

4. Regional Migration in Argentina from the perspective of a domestic affairs

4.1 Regional Migration and Social Security

Argentina has a long history of giving preferential treatment to immigrants from Europe, while restrictions have been imposed on immigrants from Argentina's neighboring countries and other South American countries. Beginning in the 1960s, and particularly from 1966 to 1973 under the military government, the government issued several decrees that discriminated against regional immigrants, and the rights of immigrants were compromised because, for the military government, immigrants from neighboring countries posed a threat to "national security".^[9]

This ideology based on "national security" also gave birth to Law 22,439 of 1981, the General Law for the Promotion of Immigration and Migration, also known as the "Videla Law", named after the then president of the Argentine military government, Jorge Rafael Videla. This law, while encouraging European immigration, viewed regional migrants from neighboring countries as a threat to public welfare and imposed extremely restrictive immigration policies on them, making it difficult for them to regulate their immigration status. These restrictive measures have also led to a significant increase in the number of irregular migrants within Argentina.

The "Videla Law" remained in force for decades after the end of the military government, and the Argentine Congress did not make substantive changes to the content of the law. Moreover, the changes enacted by the democratic governments in 1987, 1993, and 1998 essentially reinforced the restrictive character of the immigration regulations and raised the threshold for obtaining a residence permit.^[10] This has led to an increase in the number of irregular migrants from the region.

4.2 Regional migration and economic employment

Argentina's ability to attract immigrants from neighboring countries is largely due to its high level of economic development in the region. From 1970 to 1989, Chile's GDP per capita was 69% of Argentina's, while Bolivia and Paraguay's GDP per capita was only 31% and 26% of Argentina's. Between 1989 and 2000, Chile's economy began to grow rapidly, but the gap between Bolivia and Paraguay and Argentina remained huge, with the average income of the people in the former two countries being only 28.8% and 39.8% of the last.^[11] Moreover, after the 1990s, Argentina kept its currency, the peso, at a fixed exchange rate of 1 to 1 with the U.S. dollar, which was a major incentive for nationals from other Latin American countries to arrive in Argentina.

As mentioned earlier, in the beginning, regional immigrants in Argentina filled the labor shortage caused by the out-migration of the rural population and the population from the interior provinces. However, from 1995 onwards, when Argentina's domestic economic problems began to worsen and social unrest resulted from a surge in unemployment, immigrants from neighboring countries were seen as competitors for the national labor force.

In practice, regional migrants are mostly employed in construction or domestic services, jobs that most Argentine natives are reluctant to take. In some ways, regional migration complements the local labor market in Argentina, especially as more and more Argentine nationals move abroad. In addition, since many immigrants are irregular and cannot work in formal jobs, they are more likely to work in "black jobs" with low pay and poor working conditions, and the legal rights of immigrant workers are often not properly protected.

4.3 Regional migration and rights movement

Since the 1990s, many civil society organizations in Argentina have become concerned about the rights of migrants, and the demand for the protection of migrants' rights has grown, as have many religious groups, trade union organizations, scholars and politicians who are increasingly concerned about the rights of foreign migrants in Argentina.

The Argentine Catholic Migration Commission Foundation is one of the Argentine Catholic organizations that has a strong interest in the issue of migration. It is concerned with the "dignity" and "rights" of immigrants, seeks the full integration of the immigrant community into Argentine society, and views the issue of immigration from a moral and Christian humanist perspective, emphasizing solidarity with immigrants.

The National Department of Migration of The Argentine Workers' Central Union deals with entry permits, extensions of stay, medical services, agreements, certifications and other affairs for the immigrants. In the 1990s, some trade unions belonging to the General Confederation of Labor supported the restrictive immigration policy implemented by the government, but with the creation and development of the National Department of Migration of The Argentine Workers' Central Union, the importance of migration issues in local trade unions in Argentina has gradually increased, and there has been an increased focus on the "rights" perspective in the treatment of immigration issues within the trade unions.

The Center for Legal and Social Studies, founded in the late 1970s, is dedicated to "the promotion and protection of human rights and the strengthening of democracy in Argentina", and provides legal advice and assistance to immigrants whose fundamental rights were restricted.

These organizations fighting for the rights of migrants have been working continuously at the level of immigration legislation since the 1990s. The pressure from civil society organizations led to the creation of population commissions in the Senate and the Chamber of Deputies of the Argentine Congress in the mid-1990s, and as a result, proposals began to emerge in Congress to amend and repeal the military-era immigration laws.

At the same time, the above-mentioned civil society organizations, together with other organizations, formed the "Roundtable of Civil Society Organizations in the Defense of Migrants' Rights Defending the Rights of Migrants", which was involved in the drafting process of the new immigration law from its inception. They critically analyzed the old immigration laws that were still in force at that time, evaluated the amendment bills that were submitted to Congress, and raised objections to restrictive immigration bills. Their efforts provided strong support for the subsequent birth of the new immigration law.

5. Regional Migration in Argentina from the perspective of foreign affairs

5.1 Regional migration and regional integration in South America

South America was one of the first regions in the world to begin regional integration. As early as the late 1960s, a sub-regional integration organization, the Andean Group, now known as the Andean Community, was established in South America. The largest economic integration organization in South America, the Southern Common Market (Mercosur), was established on March 26 of 1991. On January 1 of 1995, Mercosur became operational, thus officially starting the process of regional integration in

the Southern Cone.

Mercosur includes basically all South American countries. The main objectives of the founding document Treaty of Asunción were related to economy, commerce and tariffs, which included the liberalization of intra-regional goods and trade and the establishment of a common market by 1994, so regional migration was not a central issue in the early years of Mercosur.^[12] There was no physical body within Mercosur to deal directly with migration issues.

The second stage of integration was initiated with the signing of the 1994 Protocol of Ouro Preto. The goal of this phase was to establish a customs union and institutionalize the integration process, and to focus on the free movement of goods and capital. In this context, Mercosur considered migration mainly from the point of view of labor migration and limited it only to the movement of labor across the country's borders.

At the end of the 20th century, the economic integration of Mercosur came to a standstill due to the economic crisis. The South American countries began to reflect on the shortcomings of their "neoliberal economic" policies. The severe economic crisis also brought to the fore many social problems, so the Mercosur countries began to pay attention to the previously neglected social problems and gradually promoted the process of "integration" at the social level in order to compensate for the previous overly "market-centered" integration strategy.^[13] Regional migration, as an important component of "social integration", began to receive widespread attention.

5.2 Regional migration and the Argentine diaspora

From the 1970s onwards, a number of factors contributed to the decline in Argentine migration abroad and the large-scale emigration of the national population, which includes the military coup, the repressive policies implemented under the military government, the economic policies with neoliberal overtones and the economic stagnation, growing unemployment and shrinking wages that followed these policies.

Between 1975 and 2000, Argentina's overall emigration number was greater than its immigration number, with an average annual net outflow of 1 387.5 people between 1975 and 1990, and a further increase to 2 155.3 people between 1990 and 2000.^[14] In the years 2000 and 2001 alone, 118 087 Argentine nationals moved abroad.^[15]

The United States and Spain are the main destinations for Argentines to emigrate, which received about 35.9% of all Argentine emigrants abroad in 2000.^[16] Due to the tightening of immigration policies in Europe, many Argentines staying in Spain have become illegal immigrants after their visas expired. Some studies show that at the beginning of the 21st century, 235 000 Argentines remained in Spain as illegal immigrants.^[17]

In the midst of the increasing criminalization of migration and the tightening of border openings in Europe and the United States, Argentina has joined with other South American countries in issuing statements calling for the prohibition of this criminalization of migration and emphasizing the rights of migrants and the need for open borders. This concern for migrants and their rights, although born out of consideration for their own diaspora living in developed countries, it is undeniable that in this process Argentina and other South American countries have gradually begun to pay attention to the rights of regional migrants, pushing them to start adopting a more open policy towards them

5.3 Regional migration and regional leadership of Argentina

Mercosur evolved from a bilateral accord signed by Brazil and Argentina in 1986. However, since the creation of Mercosur, the leadership of the group has been disputed.

Brazil, as the largest economy in South America, is supposed to be the leader of Mercosur. However, Brazil was reluctant to play the role of leader in Mercosur because it focused on a broader international agenda and Mercosur is secondary to its foreign policy agenda.^[13] Moreover, regional migration has never been a priority in Brazilian foreign policy, as it is not a very pressing issue within Brazil. The number of South American migrants in Brazil was 108 591 in 1991 and only 129 426 in 2000.^[18] Thus, the rate of growth of regional migration in Brazil is extremely slow. The total number of immigrants from South America represents less than one thousandth of Brazil's total population. Therefore, Brazil does not have the will to play a leadership role in regional migration governance.

Argentina, on the other hand, has long been the largest recipient of immigrants in South America,

with the proportion of regional immigrants to the total Argentine population remaining stable at around 2.5% from the 1990s to the beginning of the 21st century.^[6] Thus, regional migration is an urgent issue for Argentina in comparison with Brazil and other South American countries. While Brazil lacked interest and experience in regional migration governance, Argentina's long-standing experience and lessons learned in migration governance allowed it to use migration issues to enhance its voice in Mercosur and thus increased its regional influence and leadership in South America.

This is also reflected in a report by Argentina's National Migration Institute. The report clearly documents Argentina's pursuit of a regional approach to migration matters – “to position Argentina as a regional leader in terms of migration policies” and “as visible face of the regional processes related to migration that are taking place in South America”^[19].

6. Regional Migration Governance in the perspective of the interaction of domestic and diplomatic demands in Argentina

In the analysis in this section, we consider the Argentine domestic and diplomatic demands for regional migration governance as the two independent variables and how Argentina engaged in regional migration governance as the dependent variable. We will focus on which paths Argentina took for regional migration governance from the end of the 20th century to the beginning of the 21st century, the main content and effects of its migration governance mechanisms, and then analyze why Argentina took different migration governance paths at different times based on the contrast between the intensity of Argentine domestic and diplomatic demands in specific periods.

6.1 Bilateral migration governance represented by the Argentina-Peru and Argentina-Bolivia Migration Agreement

In the late 1990s, the number of regional migrants in Argentina grew rapidly, along with the growing problem of irregular migration. Argentine government had implemented an amnesty policy for migrants in the first half of the 1990s, which alleviated the problem of irregular migration to a certain extent, but such a temporary and exceptional policy could only achieve short-term effects. Therefore, by the end of the 1990s, the Argentine government began to adopt a bilateral governance path, establishing bilateral migration governance agreements with three South American countries one after another.

Argentina signed agreements with Bolivia, Bolivia in 1998 and with Paraguay in 1999. However, only the first two of these three agreements entered into force. These bilateral agreements are broadly similar in the content. Unlike previous restrictive immigration policies, they begin to focus on protecting the rights of migrants.

First, instead of direct deportation of irregular migrants, irregular migrants are provided with procedures to regularize their immigration status. Second, migrants who obtain temporary residence by applying for immigration formalization procedures enjoy the same rights and freedoms as nationals of the destination country at the civil, economic, social, and cultural levels, and are protected from discrimination in the labor field. In addition, the agreement takes into account the large number of migrants without formal jobs in Latin American countries, especially freelancers in irregular migration status, and strengthens the protection of the rights of these freelancers. Finally, the agreement also focuses on the protection of the rights of immigrant families, especially the right to education of the children of immigrants, whose access to preschool education and to public schools will not be affected by the immigration status of their parents.

However, there are some shortcomings in the agreement. For example, in order to obtain temporary residence, many documents are required, which are not only time-consuming for irregular immigrants in a foreign country to obtain, but also require expensive fees. On the other hand, the period of immigration regularization is very limited. Initially, the period was 180 days, but later was extended to 365 days. However, for immigrants who were not financially well off enough to obtain the required documents and raise the necessary funds for the procedure, 365 days were still limited. As a result, the number of Bolivian and Peruvian migrants who ended up applying for migration regularization procedures and obtaining temporary residence through bilateral agreements was very low, and bilateral migration governance was not as effective as it could have been.

Argentina adopted bilateral migration governance in the late 1990s mainly because from the 1990s onwards, the demand for migration governance within Argentina began to strengthen, but at the

diplomatic level, the demand for regional migration governance was still weak.

As mentioned above, the restrictive immigration laws did not change substantially from the end of the military government to the end of the twentieth century. Even though the amnesty policy was implemented, irregular migration remained a serious phenomenon in Argentina. Despite of the economic recession in the 1990s, there was a great number of migrants arriving in Argentina from neighboring countries. For the Argentine government, irregular migration was a social and security issue that needed to be addressed urgently. Moreover, many of the rights of migrants were difficult to secure under the government's discourse of viewing migrants as a threat to national security and competition for domestic labor, and calls from civil society organizations to guarantee migrants' rights led the government to focus on migration issues from a different perspective and to try to adopt different measures for migration governance than before.

Second, at the diplomatic level, the main development agenda of Mercosur at this time was still centered on "economic integration", and migration issues were subordinate to economic and trade issues. As a result, effective multilateral migration governance among South American countries was difficult. Under such circumstances, bilateral agreements were negotiated and signed between the major migrant-sending and migrant-receiving countries. Thus, Argentina, the largest migrant-receiving country in South America, negotiated bilateral agreements with Peru, Bolivia, and Paraguay, the countries of origin of the main immigrant groups in its territory.

6.2 Multilateral migration governance represented by the Mercosur Residence Agreement

The signing of the Mercosur Residence Agreement in 2002 was an important turning point in the development of regional migration governance in South America. As the largest recipient of migrants in South America, Argentina played a pivotal role in the development and promotion of this agreement.

The Mercosur Residence Agreement was first proposed in response to a migrant amnesty proposal by Brazil, whose delegation presented a migrant amnesty project at a meeting of the Specialized Migration Working Group held in Porto Alegre of Brazil on August 30 of 2002. The project intended to implement a simultaneous six-month migrant amnesty process in all Mercosur countries in order to address irregular migration from Mercosur countries and strengthen integration at the social level.

The Argentine delegation was very concerned about the Brazilian program because, as Argentina had used the amnesty measure several times since the late 1940s. The Argentine delegation found that amnesty was an exceptional measure that could only temporarily solve the problem of irregular migration, so the Argentine delegation believed that a long-term solution would be needed.^[20] Moreover, Argentina had been discussing its future immigration law since the mid-1990s. There had been intense negotiations on immigration policy between Congress, the executive branch responsible for immigration issues, and civil society.^[21] As a result, discussions on migration policy within Argentina and a summary of previous experiences and lessons learned on migration governance gave birth to the proposal that came to be known as the Mercosur Residency Agreement, which was presented at the meeting of the Specialized Migration Working Group in October.

The Agreement provides for nationals of the contracting state to obtain a temporary residence permit for a period of two years by providing the relevant documents to the consulate or immigration service, depending on the circumstances. Temporary residence may be converted to permanent residence by submitting an application to the immigration authorities of the receiving country within 90 days prior to the expiration of the residence period, together with the relevant documents. Immigrants and their family members who obtain a residence permit enjoy the same civil, social, cultural and economic rights and freedoms as nationals of the receiving country, especially the right to work, in addition to the right to petition, the right to move, the right to association, the right to family reunification, the right to transfer remittances, and the right to education for their children. Also, in terms of labor legislation, wages, working conditions, and social security, immigrants who have obtained residence enjoy equal rights with nationals of the destination country.

In contrast to the bilateral migration governance agreements between Argentina and Bolivia and Peru, the Mercosur Residency Agreement simplifies the strict application procedures and requirements, reflecting a process of continuous optimization of Argentina's migration governance experience. Currently, nine countries in South America have signed and adopted the agreement. As mentioned at the beginning of the article, the multilateral agreement is currently achieving very significant results in promoting intra-regional labor migration flows and reducing intra-regional irregular migration. However, the agreement has its shortcomings, as it was signed in 2002 and did not enter into force until

2009.

Argentina's adoption of multilateral migration governance at the beginning of the 21st century was largely due to a relatively strong demand for migration governance at both the domestic and diplomatic levels.

On the domestic front, first, the limited effectiveness of previous bilateral agreements left Argentina with a continuing serious problem of irregular migration within the country, and the government needed to adopt practical programs to address this pressing issue. Second, negotiations between civil society organizations and government agencies within Argentina, as well as Congress since the 1990s, had influenced the overall discussion on migration, and the issue of migrants' rights had become a major concern of migration policy. In addition, the large number of Argentine migrants who moved abroad during the 2001-2002 economic crisis and the injustices suffered by Argentines abroad made the Argentine government aware of the need to change the perception of regional migrants within the country and to recognize their contribution to Argentine society.^[20]

At the regional level, the "economic integration" of Mercosur stalled in 2001. At the same time, a tide of left-wing movements known as the "pink tide"^[22] began to emerge in Latin America at the end of the 20th century. Left-wing governments in South America have begun to focus on the socio-political dimension of integration, in contrast to the overly economic-centered integration strategies of the past. Immigration began to receive greater attention in Mercosur as an important part of the socio-political agenda. At the same time, like Argentina, many countries in South America witnessed a large number of their nationals moving to the United States and Europe during this period because of the stagnant domestic economic development. The unfair treatment that their nationals received in developed countries led South American countries to join together to call on developed countries to prohibit the "criminalization" of immigrants and to recognize "migration" as a right.^[23] This also led to a willingness on the part of the South American countries to set an example to the developed countries through regional cooperation to form a liberal and inclusive migration governance mechanism. Thus, both Argentina's internal affairs and regional diplomacy created a stronger demand for regional migration governance. In this context, Argentina's participation in regional migration governance began to shift from bilateral governance in the 20th century to multilateral governance.

6.3 Unilateral migration governance represented by the new immigration law and the "Great Fatherland" program

After the signing of the Mercosur Residence Agreement, the agreement did not come into effect until 2009 due to the delay in its adoption by the Congress of Paraguay. When multilateral migration governance was slow to progress at the regional level, the changing domestic context in Argentina led Argentina to choose to promote and facilitate the implementation of regional migration governance mechanisms through a unilateral governance approach.

The first important result of unilateral governance is Argentina's new immigration law, Law 25871. Since 2003, the Argentine Ministry of the Interior had been pushing for changes to the prevailing immigration law. After a long discussion in Congress, the new immigration law was adopted at the end of 2003 and promulgated on January 20 of 2004. It is worth mentioning that a large number of non-state actors were involved in the process of developing the new immigration law. Many experts from international organizations and civil society organizations provided suggestions for the revision and finalization of the initial text of the bill.^[21]

The most important point of the new immigration law is its recognition of "the right to migrate as a fundamental and inalienable right of a person" and the Argentine government's intention to "guarantee this right on the basis of the principles of equality and universality" and to change its attitude towards irregular migrants from "deportation" to "regularization". The new law stipulates that the state will provide measures to favor foreigners in regulating their immigration status, and that after verifying the foreigners' irregular immigration status, the National Directorate of Migration shall require the migrant to regularize his or her immigration status within a specified period of time, and that when the irregular migrant has not regularized his or her status at the end of that period, the National Directorate of Migration may order his or her deportation.

In addition, the new immigration law also guarantees the rights of migrants, especially taking into account the rights of irregular migrants. In the past, irregular immigrants did not have access to basic social rights, such as health care and education. In contrast, the immigration law provides for foreigners to receive all levels of education and the right to social assistance and medical services, even if they are

in irregular immigration status.

In sum, the new immigration law reflects a shift in perspective from exclusion to inclusion by moving away from the previous assertion of migrants as a national security threat and valuing the economic and cultural contributions of migrants to host societies. At the same time, the new immigration law reflects the regional consensus reached in the Mercosur Residence Agreement to consider migration as a right, emphasize regional integration at the social level, promote the regularization of migrants, and focus on safeguarding the rights of migrants and helping them integrate into the economic life as well as the social fabric of the destination country.

Subsequently, within the framework of the new immigration legislation, the Argentine Immigration Service implemented two immigration regularization projects. One was for non-Mercosur nationals, while the other migration regularization project was for nationals of Mercosur member states and associated countries, and was known as the “Great Fatherland (*Patria Grande*)” project.

The “Great Fatherland” project is consistent with the principles of the new immigration law and the 2002 Mercosur Residency Agreement. In terms of regulating irregular migration, the project significantly simplified the documentation and procedures required to regulate migration status. The central government, through the Ministry of the Interior, signed agreements with local governments to include them in the migration regularization system and to improve the efficiency of the migration process by establishing social cooperation agencies distributed throughout the country. As of August 2010, a total of 423 697 immigrants had registered for regularization of immigration status through the program, and the Argentine government issued a total of 98 539 permanent residencies, and 126 385 temporary residencies.^[24] Thus, Argentina’s unilateral governance largely alleviated the problem of irregular migration in the country.

Argentina began to adopt unilateral migration governance in 2003 mainly because of the dramatic shift in the domestic political environment at that time, which created a great demand for migration governance. Meanwhile multilateral migration governance agreements at the diplomatic level had been slow to advance, so Argentina chose to reform first at home and then promote the implementation of multilateral migration governance mechanisms in other countries in the region.

One of the most important changes in Argentine domestic politics was the election of Néstor Kirchner as President of Argentina in 2003. Kirchner’s government had a more liberal and inclusive attitude toward immigration than previous administrations. This was partly because Kirchner’s supporters were mainly from the lower classes, and most immigrants from abroad had long been marginalized in Argentina. Kirchner government encouraged domestic legislative reforms to treat immigrants with an inclusive discourse and regional norms in order to regulate population movements and prevent social unrest.^[13] On the other hand, the Kirchner administration also wanted to differentiate itself from the restrictive immigration policies of previous administrations by implementing an open and inclusive immigration policy, while at the same time alleviating the serious phenomenon of irregular migration and the high number of “black workers” in the country, and integrating migrants into the host society in the economic dimension in accordance with the principles promoted within Mercosur.^[25]

In addition, similar to the context of the Mercosur Residency Agreement, civil society organizations related to migration in Argentina had become increasingly active in fighting for migrants’ rights since the 21st century, and civil society’s calls for the protection of migrants’ rights received greater attention and support from the Kirchner’s government. Moreover, with the increasing number of Argentines moving to other countries, the Argentine government has paid increasing attention to the protection of the rights of Argentines abroad, emphasizing equal treatment between immigrants and nationals of destination countries. The emphasis on equal treatment between migrants and nationals of the country of destination and the importance given to the rights of expatriates abroad reverberated to the country, contributing to the reform of immigration laws in Argentina and to the protection of the rights of regional migrants within the country.

In this context, the demand for regional migration governance within Argentina was much higher than that at the diplomatic level. As a result, in the context of the slow advancement of multilateral migration governance mechanisms, Argentina adopted a unilateral governance approach to advance regional migration governance

7. Conclusions

In summary, the changing demands for regional migration governance at the domestic and diplomatic levels in Argentina at different times have influenced the willingness and path of Argentina's participation in regional migration governance, which in turn has produced different governance outcomes. From the ineffectiveness of bilateral governance in the late 1990s to the effectiveness of multilateral and unilateral governance in the early 21st century, it reflects that Argentina's participation in regional migration governance is a process of continuous optimization.

Second, Argentina's participation in South American migration governance is also a process of critical inheritance of its own experience. In the late 1990s, in interaction with domestic civil society, Argentina made the "protection of migrants' rights" one of the core principles of its migration governance in bilateral migration governance. As Argentina's diaspora grew, this principle became an increasingly important focus of Argentine foreign policy, and thus continued to be central to subsequent multilateral and unilateral migration governance. In addition, considering the inadequacy of the long-standing "amnesty" measures in the country, Argentina proposed a permanent migration regularization mechanism in the multilateral migration governance, which was also applied in the subsequent unilateral governance, reflecting the reflection and conclusion of the lessons learned from the past.

Furthermore, as the largest recipient of migrants in South America, Argentina plays an important role as a leader in the regional migration governance. Argentina is the main drafter of multilateral migration governance mechanism, as well as a pioneer in its domestic practice and its regional implementation. Argentina has used migration affairs to enhance its voice and influence at the regional level.

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