

**Recent Venezuelan Migration to Argentina: A Selective Immigration  
Policy in the Context of the Immigration Restrictive Turn**  
**Migración venezolana reciente en Argentina: una política migratoria  
selectiva en el contexto del giro migratorio restrictivo**

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## ABSTRACT

The purpose of this article is to describe instruments and actions that constitute the selective public policy towards Venezuelan migrants in Argentina between 2017-2019, in the context of the restrictive turn of the immigration policy under President Macri's administration (2015-2019). Through the change of normative instruments and public policy actions, complemented by a qualitative approach, we aim to verify the existence of a selective immigration policy, discover the selection criteria applied, and indicate the tensions between general and selective immigration policy.

*Keywords:* 1. immigration policy, 2. selective immigration policy, 3. public administration, 4. Venezuelan migration, 5. Argentina.

## RESUMEN

El objetivo de este artículo es describir los instrumentos y las acciones que constituyen la política pública selectiva para migrantes venezolanos en la Argentina en el período 2017-2019, aplicada en el marco del giro restrictivo de la política migratoria general de la administración del presidente Macri (2015-2019). Mediante un relevo de instrumentos normativos y de acciones de política pública, complementado con un abordaje cualitativo, se busca comprobar la existencia de una política migratoria selectiva, descubrir los criterios de selección aplicados, e indicar las tensiones entre la política migratoria general y la selectiva.

*Palabras clave:* 1. política migratoria, 2. política migratoria selectiva, 3. administración pública, 4. migración venezolana, 5. Argentina.

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## INTRODUCTION

Migration from the Bolivarian Republic of Venezuela to the Argentine Republic in the last five years has characteristics distinguishing it from other national groups, especially—but not exclusively—due to its massiveness and how highly qualified migrants are. The residence requests of Venezuelans in Argentina increased fivefold between 2015 and 2017, and according to the statistics of the National Directorate of Migration (hereinafter DNM, for the acronym in Spanish for Dirección Nacional de Migraciones), the residence cases of Venezuelans resolved in 2018 totaled 70,531 (National Directorate of Migration [DNM]), outnumbering the requests for the residence of citizens from neighboring countries.

Historically, the Venezuelan population living in Argentina was very scarce and for that reason, it was not reflected in the national censuses of 2010 and 2011. DNM statistics estimate that more than 12,000 Venezuelans were living in Argentina in 2015, reaching 130,000 in 2018 (DNM, n.d., n.d.a, n.d.b, & n.d.c) and 251,200 in early 2021, according to the website of the United Nations High Commissioner for Refugees (UNHCR) (UNHCR, 2021). This flow would correspond to the arrival of the third and fourth migration waves of Venezuelans that began in 2013 and 2016 respectively (Koechlin, Vega, & Solórzano, 2018).<sup>2</sup> Early research on the recent Venezuelan migration in Argentina showed a high incidence of Venezuelan professionals, a labor insertion in informal or precarious sectors (Pedone & Mallimaci, 2019), and its concentration in large cities (Biderbast & Nuñez, 2018). These works establish that one of the attraction factors is the possibility of settling and staying in Argentina regularly. This is possible thanks to the Migration Law 25.871 (Ley de Migraciones No. 25.871), which guarantees migration as a human right that the State must protect, and which grants migrants the right of access to health, education, and justice, regardless of its documentary status.

However, under President Mauricio Macri's administration (2015-2019), Argentine immigration policy has assumed more restrictive characteristics, especially since the Decree of Necessity and Urgency No. 70 of 2017 (Decreto de Necesidad y Urgencia, DNU No. 70, 2017). According to numerous authors (Canelo, Gavazzo, & Nejamkis, 2018; García & Nejamkis, 2018; Penchaszadeh & García, 2018) this decree, which is based on the link between migration and serious crimes such as drug trafficking, signifies a regression in terms of respect to human rights by allowing express deportation, with serious consequences for the unification of migrant or mixed families (Muñoz, 2017).

Despite the restrictive turn in migration policy that implies a *cut in rights* (García & Nejamkis, 2018) and the possible return to the conception of the State police (Ceriani Cernadas, 2016),<sup>3</sup> Venezuelan migration has not only not been affected but, on the contrary, it has been

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<sup>2</sup> According to the authors, the first wave, made up of high-class professionals and researchers, emigrated after President Hugo Chávez Frías took office, to the United States, Spain and France. The president's socio-economic measures from 2007 resulted in a second wave, and then the inauguration of President Nicolás Maduro in 2013 marked the beginning of a third wave, when middle-class professionals migrated to South American countries in search of better opportunities. The fourth wave, since 2016, is made up of middle- and lower-class people heading to nearby countries.

<sup>3</sup> The figure of the State "police" refers to Law No. 22.439 of the National Executive Power, General Law on Migration and the Promotion of Immigration, sanctioned during the last

one of the few to benefit from a series of public policy instruments drawn up between 2018 and 2019. Based on the concept of Public Policy Instruments (Isuani, 2012) as an analytical tool, the purpose of this article is to indicate and describe these instruments aimed at the Venezuelan community as well as the concrete actions promoted by the administration of President Macri, in light of the restrictive change in the general migration policy. It aims at verifying the existence of a selective migration policy aimed at this group, identifying its selection criteria, and pointing at the tensions between general and selective immigration policies.

Research that seeks to problematize the relations between the State (in its different levels of analysis) and international migrants are taken as background. From the exhaustive study of the intervention, whether by action or omission (Oszlak & O'Donnell, 2007), of the State on the migration issue, numerous dimensions of analysis of Argentine migration policy have been identified (Domenech & Pereira, 2017). This research is in line with those that accounted for the changes and continuities between different regulatory instruments of migration policy, evidencing a differentiation and tension between restriction and selectivity (Ceriani Cernadas, 2016; Ceriani Cernadas & Morales, 2011; Courtis & Pacecca, 2007; Domenech, 2009; Le Gall & Sassone, 2007; Nejankis, 2016; Novick, 2008, 2012; Sassone, 2004). Although the processes and mechanisms of selection of the foreign population have been more explicit (Mármora, 2005) in some periods of Argentine history than in others (Devoto, 2004), the academic discussions on the representations and practices that help to develop the differences between *desirable* and *undesirable* migrants are still valid (Domenech & Pereira, 2017).

Based on this background, this research is inserted into the discussion that, both from historiography and sociology or political science, takes up the implementation of migration public policies to focus on the tensions between administrative norms and practices (Biernat, 2007; Devoto, 2001), or between these and the different institutions involved (García, 2013), or even between all of the above and human (Di Liscia, 2017), financial, or technological resources (Norambuena & Matamoros, 2016).

Regarding the methodology reflected in this article, the specialized bibliography on recent Argentinian migration policy was reviewed, as well as the immigration regulations related to Venezuelan migration, through the Legislative and Documentary Information portal of the Ministries of Justice and Human Rights and the public policy actions published on the official website of the Argentine State (Secretariat of Public Innovation of the Head of the Cabinet of Ministers, Secretaría de Innovación Pública de la Jefatura de Gabinete de Ministros, n.d.). As complementary sources of analysis, the results of in-depth interviews conducted with fifteen Venezuelan migrants in the Santa Rosa-Toay community, Province of La Pampa, Argentina, between 2017 and 2019 and officials of the DNM Delegation of La Pampa will be used to inquire on the accessibility and application of these immigration regulations. The unit of analysis is the urban area that includes the cities of Santa Rosa, Capital Department, with 105,312 inhabitants according to the 2010 census, and Toay, Toay Department, which has

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Argentinian military dictatorship in 1981. It was based on a security perspective pertaining immigration regulation: undocumented migrants were considered illegal and subject to detention or expulsion by DNM action without a court order. Illegal individuals had no access to health, education or justice.

12,409 inhabitants (INDEC, 2010). Although each city belongs to a different jurisdiction, Toay is the most important satellite city of Greater Santa Rosa, given its geographical proximity and demographic relevance.

To organize our work, we will begin by defining the conceptual guidelines that guide the analysis of public policy on migration. Second, we will describe the latest paradigm shift in Argentinian immigration policy, especially but not exclusively since President Macri is in office. Then we will indicate the results of the replacement of those public policy instruments intended for Venezuelan citizens in Argentina. Fourth, the selectivity criteria applied to this group are detailed and the tensions between general and selective public policy are analyzed. Finally, in the closing remarks, the main results of our review will be picked up and we will indicate possible cues for further analysis.

### CONCEPTUAL FRAMEWORK

The purpose of this article is to address international migration as a socio-political process and focus its analysis on the institutional framework. Political sociology and political science — and especially the field of public administration and management— offer us a series of conceptual tools to understand how the Argentinian State manages migrants living in its territory. In principle, by focusing on the regulations and actions of migration policy, we agree that the State, through the units and institutions that comprise it, has the power to set autonomous goals to be achieved through its public policies (Skocpol, 1995). Following a classic line, public policies could be defined as a set of actions and omissions that manifest a modality of State intervention in relation to an issue that reconciles the interest of other civil society actors (Oszlak & O'Donnell, 2007).

Public policies on migration that are part of the population policy would be the proposals and goals elaborated from the State apparatus with the specific purpose of influencing the volume, composition, origin, direction, settlement, and integration of migration flows, whether spontaneous or belonging to the global process of economic-social planning (Nejamkis, 2016). We deal with a selective migration policy when, from the State apparatus, criteria are established that characterize the type of migrant that should predominate based on origin, religion, sex, age, educational or socioeconomic level, among others (Mármora, 2005).

It is used in many countries and has been used in Argentina, either to promote a type of migration flow or to prevent the entry of *undesirable* flows. To understand whether the immigration policy for Venezuelans is selective, it is necessary to determine if it meets at least some of the selectivity criteria. These criteria were linked, in Argentina, to labor capacity (farmers in the late 19th and early 20th centuries and industrial workers/technicians in the mid-20th century) and ethnic origin (migrants who easily integrate into *Argentinian culture*). At the beginning of the 20th century, a new criterion defined selective policies: the ideological one, which implied preventing the arrival of any migrant who, even if he met the other criteria, is however associated with communist ideas (Biernat, 2007). Another feature of the selective policies in Argentina was the channeling criterion, which implied making an immediate contribution to the country's economic need by directing migrants to certain productive areas (Devoto, 2001).

As Isuani (2012) explains, a public policy requires a set of instruments as basic conditions for the State to meet its goals. Without these instruments, the intentions of the actors—mainly the State ones— would remain in mere declarative actions. This author proposes three “instruments or necessary conditions” as materializers of State intervention: “a regulatory device that structures and guides its activities, a management device that supports and concretize them, and a set of basic resources that makes them viable” (Isuani, 2012, p.33). In this work, we will observe the selective migration policy towards Venezuelan migrants in Argentina based on the replacement of regulatory instruments (made up of laws, decrees, and regulations that frame and authorize the actions and intervening actors) and the mechanisms of management and the “windows” (Jelin, 2006) to carry out the actions. The regulatory analysis of a migration policy can show, as Novick (2008) pointed out, that they respond to ideologically configured models of society.

### THE RESTRICTIVE TURN OF PUBLIC POLICY ON MIGRATION IN ARGENTINA

Since 2004, the regulation in force on Argentinian immigration policy is Law No. 25.871 (Migration Law No. 25.871). As already stated in the introduction, this regulation takes into account the human rights perspective and the regionalist migratory approach (Le Gall & Sassone, 2007) when applying the nationality criterion for temporary residence (Arts. 23 & 28) that benefits the Mercosur citizens and associates. This law is inclusive in spirit, as it acknowledges migration as a fundamental human right that the State must guarantee. In addition, it determines that migrants have the right to free access to health, justice, and education services, their immigration status notwithstanding. That this law is inclusive does not mean that it is unrestricted or massive: it does not grant political rights, a lack that some researchers and social actors have (Ceriani Cernadas, & Morales, 2011; Penchaszadeh, 2012) consider as the Achilles heel of this regulation.

As for its management device, the DNM is the immigration policy enforcement agency and has federal territorial coverage. The provisions and resolutions issued by this institution in the period 2004-2015 were intended to adapt through objectives and concrete actions to the new immigration regulations (Linares, 2018). From within this body, the aim was to become an institution at the service of the migrant (collaborating in their insertion in the country and in accessing their rights) and not just a control body (one of its main functions, both at the border and stay levels (Linares, 2018)).

This guarantee policy (in its regulatory and management aspect) found, from within the DNM, certain restrictive changes: actions aimed at control increased considerably in the years of national elections, especially in 2011 and 2015 (Linares & Melella, 2018). These restrictive turns could be explained by the confluence of three phenomena that make this issue a sensitive social one in Argentina: a) the high rate of the foreign population residing in the densest electoral districts (province of Buenos Aires and the Autonomous City from Buenos Aires); b) the mass media’s emphasis in the link between migration and crime, as well as with the negative effects of economic crises (unemployment, high demand in health and educational centers, etc.), and c) the impossibility of foreigners to exercise their right to vote in national elections. In sum, during elections, both officials of the government of Cristina Fernández

(2007-2011 and 2011-2015) and the opposition resorted to the link between migrants and criminality in political acts as well as in the media.

Other indications of this restrictive turn manifested after the conflict over the lands of the Indoamerican Park in 2010<sup>4</sup> (Canelo, Gavazzo, & Nejamkis, 2018), where the then Head of the Autonomous City of Buenos Aires (CABA, acronym in Spanish for *Ciudad Autónoma de Buenos Aires*), Mauricio Macri, directly linked international migration with drug trafficking and other crimes. Subsequently, some referents of the Justicialist Party of the Fernández de Kirchner administration, such as the former Secretary of Security of the nation Sergio Berni in 2012 and the national senator Ángel Pichetto in 2014, proposed the implementation of tougher policies towards immigrants, generating controversies within the national government. Other tensions arose from the modification of the Federal Criminal Procedure Code (Law No. 27.063, 2014) which in its article No. 35 allows the expulsion from the country of foreign nationals in an irregular situation caught *in flagrante delicto* of a crime. This tension between inclusive and restrictive policies then crossed the entire political spectrum of the two majority forces that would contest the presidential election in Argentina in October 2015: the Justicialist Party and the Cambiemos alliance, the latter formed by the traditional Radical Party and the PRO, led by Mauricio Macri.

The first signs of a shift in migration policy were noticed when Mauricio Macri took office as president of the nation (2015-2019). At the time of the conflict over the Indoamerican Park in 2010, Macri had referred to the problems of uncontrolled migration, the advance of drug trafficking and crime, and affirmed that the State was not fulfilling its role of controlling migration. Already at the beginning of 2016, the national government then promoted modifications in the implementation of the immigration policy that reinforced the idea of control to the detriment of the service in the field of the management device, the DNM, under the direction of Horacio José García. Specifically, the DNM's Territorial Approach Program (which traveled the country providing information and advice to migrants) was suspended; permanence control operations increased by 37% in relation to 2015 (which had been particularly high due to the election year, as we explained); increased expulsion provisions by 70% (from 1,908 in 2015 to 3,258 in 2016); an Immigration Crime Prevention Department was created in the DNM, and the cost of immigration fees doubled (Canelo, Gavazzo, & Nejamkis, 2018; García & Nejamkis, 2018).

Another action that demonstrated the treatment of international migration as a security issue was the announcement, in 2016, of the creation of a Detention Center for violators of the Migration Law in the City of Buenos Aires, through an agreement signed by the Minister of National Security Patricia Bullrich, her counterpart from the CABA Fernando Ocampo and the Director of the DNM. This controversial detention center was met with demonstrations by

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<sup>4</sup> In December of that year, a group of people took land in the Indoamerican Park, located in Comuna 8 of the City of Buenos Aires, characterized by having the highest percentage of migrant population in the entire city (23.4%). The occupation was violently repressed by the Federal and Metropolitan Police and, in response, thousands of people approached in support of the protesters. The conflict lasted almost a week and resulted in three deaths due to repression and clashes, all migrants.

social, migrant, human rights, and academic organizations, and as of the time of writing of this paper it has not yet been inaugurated.

In this context, at the beginning of 2017, the most important reformulation of the regulation device on Argentinian immigration policy was created. In January 2017, President Macri signed (without legislative debate) the Decree of Necessity and Urgency No. 70/2017 (DNU No. 70, 2017), which substantially modified the Migration Law. In the recitals of the decree, migration is directly linked to criminality using terms such as *narcocriminality*, *public security*, *fraud of immigration law*, or *being in a critical situation*, and makes it clear that foreigners who commit crimes (with or without conviction) are *real and potential threats* that must be *eliminated*. The decree allows the expulsion with expedited summary proceedings (in three days) and without action by the judicial power of those foreigners who have committed crimes within or outside the country and limits the right to family reunification (Penchaszadeh & García, 2018).

Although the Federal Chamber of Appeals in Federal Administrative Litigation deemed the decree “of absolute nullity and unredeemable” and declared its constitutional invalidity, its effects continued as well as the expulsions protected by it (approximately 125 confirmed until mid-2019). The case continued under study by the Supreme Court of Justice of the Nation and, in September 2019, the Committee for the Protection of the Rights of All Migrant Workers and their Families of the United Nations Organization urged the Argentinian State “to adopt immediate measures to repeal Decree No. 70/2017 through the pertinent channel” (CMW-ACNUDH, 2019, p.3) as well as to review all cases of expulsions that have been carried out since the DNU was sanctioned and those that are still under pending resolution. Finally, DNU 70/2017 was repealed in March of 2021 by means of another decree signed by President Alberto Fernández.

#### IMMIGRATION POLICY ON VENEZUELAN MIGRANTS IN THE CONTEXT OF RESTRICTION

The restrictive turn described above did not affect all international migrants, since as of 2018 the Argentinian State mobilized both human and technological resources and ordered institutional changes aimed at Venezuelan citizens. This section will single out and describe this specific public policy, based on the change in regulations (provisions and resolutions) and public policy actions aimed at facilitating documentary regularization, and the insertion of Venezuelan migrants in our country.

These instruments and actions, as well as the institutions in charge of managing them, were developed as of 2018. It should be noted that until July 2017, Venezuelan migrants enjoyed settlement facilities thanks to the Agreement on Residence for Citizens of the States Parties of Mercosur and the Associated States, approved at the national level through Law 25.902, published in the Official Gazette in July 2004 (Law No. 25.902, 2004), which gave a selectivity character to Argentinian immigration policy. But on August 5, 2017, Venezuela was suspended from the regional bloc in the application of the Ushuaia Protocol on Democratic Commitment in Mercosur, leaving its citizens in a gray area with respect to the requirements for their immigration regularization in Argentina.

In 2018, the administration of President Macri promoted a set of public policy instruments aimed at benefiting this migrant group that, as we will see below, exceeded what strictly concerns migration matters. We reviewed five regulatory instruments (dependent on three different ministries) and seven public policy actions, in which more than ten state agencies participated, all elaborated and implemented between 2018 and 2019. After the systematization of these instruments, we identified four lines that describe this public policy: a) Enabling the obtainment of documentation for migratory regularization, b) Enabling the validation of university degrees, c) Labor insertion of Venezuelan professionals and directing to vacancies in different Argentinian provinces, and d) Defense of the Human Rights of Venezuelan citizens. Table 1 summarizes the information collected according to the public policy axis, the year, the management instrument, and the type of state intervention, that is, whether it is a regulatory instrument or a specific action.

Table 1. Argentinian Public Policy Aimed at Venezuelan Migrants: Regulatory Instruments and Public Policy Actions

Public Policy Axis (P.P.)	Year	Management Instrument	Regulatory instruments	P.P. Actions
Document facilitation	2018	DNM	Dis. DNM 594/2018	
	2019	DNM	Dis. DNM 520/2019	
	2019	Foreign Ministry, UNHCR, OIM, DNM		4th International Technical Meeting on Human Mobility of Venezuelan Citizens in the Region
Validation of university degrees	2018	Ministry of Education	Res. 230 Res. 232	
	2019	Ministry of Education		Conference with Venezuelan migrants to share their experiences on employment and profession
	2019	DNM		Labor insertion conference for Venezuelan doctors
Human Rights Defense	2018	Ministry of Finance		Declaration on the economic and humanitarian crisis in Venezuela
	2019	Ministry of Justice and Human Rights,	Res. 511/2019	Talk on the <i>Current situation in Venezuela</i>



Secretariat for Human Rights and Cultural Pluralism of the Nation, Association of Venezuelans in the Argentinian Republic (ASOVEN)	208 Anniversary Celebration of the Venezuelan Independence
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Source: Own elaboration based on information from the official portals of the Ministry of Justice and Human Rights (n.d.) and the Secretariat of Public Innovation of the Head of the Cabinet of Ministers (n.d.).

When it comes to regulatory instruments, a gradual treatment that seeks to provide answers to some inconveniences for the insertion of Venezuelan migrants in the country can be noticed. To make the requirements for document regularization more flexible, in 2018 Provision 594 empowers the DNM to “arbitrate operational and administrative measures, after due evaluation and consideration of each particular case, that allow continuing with the immigration residence procedures initiated by Venezuelan nationals” (Disposition 594, 2018, p.1). Meanwhile, from the Ministry of Education, Resolution 230-E/2018 authorized in its article 1 the National Directorate of University Management to “validate the university certifications, diplomas or academic degrees issued by university institutions duly recognized by the competent authorities of the Bolivarian Republic of Venezuela” (Resolution 230, 2018, p.1). Next, article 1 of Res. 232-E/2018 establishes “a preferential treatment in the administrative procedures for recognition of compulsory education studies [...] completed in the Bolivarian Republic of Venezuela, in order to allow students enrolling and graduating from educational establishments throughout the Argentinian Republic, as long as *the democratic order in that country is not reestablished*” [emphasis added] (Resolution 232, 2018, p.1).

In force during 2019, the DNM issued a special program for Venezuelan migrants through Provision 520/2019 “to facilitate entry to the National Territory, regularization of their immigration status and social insertion in the host community” (Provision 520, 2019, p.1). Expired documentation and sole birth certificates for minors were accepted as valid for granting residence. In its turn, the Ministry of Justice and Human Rights enabled through Resolution 511/2019 (Resolution 511, 2019), the collection of information and testimonies regarding “possible Human Rights violations that occur or may have occurred in the Bolivarian Republic of Venezuela, that could contribute Venezuelan citizens arriving in the Argentinian Republic, and that may be relevant for an eventual referral of the these to the competent international organizations” (Resolution 511, 2019, p.1).

Regarding the actions analyzed, they were acts/statements and work and information exchange sessions. Thus, in 2019 the Minister of Finance was in charge of the Declaration on the economic and humanitarian crisis in Venezuela where, with the same spirit as the Talk on the current situation in Venezuela, they analyzed “figures that show the seriousness of the situation and reviewed the actions carried out by different areas of government in Argentina to facilitate the insertion of Venezuelan citizens in our country” (Ministry of Justice and Human Rights, 2018, sec. 2). In 2019, the 208 Anniversary Celebration of the Venezuelan Independence was held, wherein from the Secretariat for Human Rights and Cultural Pluralism

of the Nation it was declared that “we reinstate our commitment and support in their fight to *recover peace and freedom*” [emphasis added] (Ministry of Justice and Human Rights, 2019, sec. 1). Two sessions were held on labor integration, one for Venezuelan professionals and the other for doctors, to direct them to geographic vacancies. Finally, during 2019 several organizations specialized in migrants and refugees participated in the 4th International Technical Meeting on Human Mobility of Venezuelan Citizens in the Region. The Argentinian State proposed “a Regional Mobility Card for Venezuelans in addition to projects for the creation of Reception and Integration Centers as well as Orientation Centers for Refugees and Migrants. In line with these proposals, the project for a platform to guide migration and the development of human capital was also added” (Ministry of the Interior, 2019, sec. 5).

These instruments sought to guarantee Venezuelans those benefits they enjoyed as regional migrants thanks to the Mercosur Residence Agreement before Venezuela is suspended as a State in the bloc. Thus, it meant giving continuity to an intergovernmental agreement of 2004 (formulated in the context of a paradigm shift in migration policy) but through other public policy instruments. As of 2018, this continuity takes place in the context of a turn in the general migration policy, from a perspective of inclusion and respect for human rights towards a restrictive conception focused on control. We estimate that the set of regulatory instruments and public policy actions formulated in the two years are evidence of an explicit selective migration policy aimed at a specific group. The selection criteria, as will be noted in greater detail in the next section, responded to the four questions that reconciled the interest of the State: the problems of migratory regularization, the labor insertion of migrants, educational validation, and the defense of migrant Human Rights.

#### SELECTIVITY CRITERIA FOR VENEZUELAN MIGRANTS

Considering the selectivity criteria mentioned above, in this case, we detected the political will and the effort to maximize the benefits of Venezuelan migration as a resource of knowledge to be directed towards geographic areas of vacancy. It is important to consider that until May 2018 there were 11,487 Venezuelan engineers and technicians who processed their residence in Argentina (Sala, 2019), which would mean for the host country the possibility of solving the lack of engineers (one engineer every 6,600 inhabitants). Faced with the already structural problem of the Venezuelan *brain drain* since the late 1990s (De La Vega, 2005; De la Vega & Vargas, 2014), Argentina seeks to promote policies that benefit different national industries and services. The regulatory instruments in educational matters for the validation of qualifications and the actions aimed at informing Venezuelan professionals about the job market and vacancy areas demonstrate the presence of two selectivity criteria: labor/professional and channeling.

On the other hand, a new criterion is evident, the humanitarian one (Pereira, 2019), manifested in the facilities for migratory regularization and protection of the human rights of Venezuelan migrants. This criterion, in turn, can be combined with an ideological one by which, while the State protects the migrant, it can establish a position in condemning the humanitarian crisis in Venezuela. In the regulatory provisions surveyed and, in the statements, made by officials in the framework of the actions analyzed, the administration of President Macri declares the government of Nicolás Maduro as having broken the democratic order in

Venezuela. Just as the Syrian Program of the DNM of 2014 (Provision 3951, 2014) applied the humanitarian criterion based on the terrible consequences of the armed conflict in that country, the Program for Venezuelans is founded on the consideration that “constitutional order has been broken” in Venezuela and the will of Argentina to “help the Venezuelan people who are experiencing a humanitarian crisis without precedent in history” (Disposition 250, 2019, p.1). The disposition of the DNM of the previous year was based on the “worsening of the political, social and humanitarian crisis” (Disposition 594, 2018, p.1) of Venezuela and it was recalled that Argentina, together with the member countries of the Mercosur, had decided to suspend Venezuela from the bloc for not considering its government as democratic. Resolution 511/2019 of the Ministry of Justice is based on the fact that Argentina actively participates in claims before international organizations for the violation of human rights in Venezuela (Resolution 511, 2019). This resolution states that, in September 2018, Argentina, Peru, Canada, Colombia, Chile, and Paraguay requested before the Office of the Prosecutor of the International Criminal Court that “an investigation be opened on the commission of crimes against humanity that would have taken place in Venezuela under the government of President Nicolás Maduro since 2014” (Resolution 511, 2019, p.1).

The selectivity criteria are based on reasons of work/professional capacity, in the channeling of the workforce, and the protection of this group as “victims” of a humanitarian crisis. To meet these public policy goals, they must be made available not only to the immigration authority, the DNM but also to other state agencies and institutions, for coordinated management. Together with the DNM, the Foreign Ministry (Ministry of Foreign Affairs and Worship) and the National Commission for Refugees (CONARE, acronym in Spanish for Comisión Nacional para los Refugiados) carry out actions to protect Venezuelan migrants from difficulties in complying with the requirements for residence.<sup>5</sup> In addition, the other lines of action (education, professional insertion, and Human Rights) involve the action of the Ministry of Education, the Ministry of Justice and Human Rights through the Secretariat of Human Rights and the Ministry of Finance, and other organizations to make statements on the crisis in Venezuela tending to clarify and legitimize the orientation of these public policies.

#### TENSIONS BETWEEN THE GENERAL AND SELECTIVE IMMIGRATION POLICIES

From the analysis of the regulatory body, tensions can be observed between this selective policy and the restrictive turn of the general migration public policy determined by DNU 70 of the year 2017. In the act where DNM Provision 594/2018 was announced for Venezuelans, the Minister of the Interior, Public Works and Housing, Rogelio Frigerio, established that “although we have been very open to the entry of immigrants, we have also been very restrictive from the point of view of security, in these last two years” (Ministry of the Interior, 2018, sec. 3). The public policy instruments aimed at protecting Human Rights, facilitating the insertion and professional/labor development of Venezuelan migrants are carried out by the

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<sup>5</sup> Delays and unaffordable costs —payment to managers— to obtain remotely the required documentation leave migrants in a vulnerable situation. For these reasons, the DNM regulations seek to make the requirements more flexible, based on extensions and a special program that allows presenting expired documentation.

same State that, through DNU 70 of year 2017, links crime with migration and stigmatizes regional migrants (Canelo, Gavazzo, & Nejamkis, 2018). The concept of control as a security issue for regional migrations also appears in the national defense policy formulated under the administration of President Macri, again evidencing a tension between selective and general policies. Decree 703/2018 “National Defense Policy Directive” (Decree 703, 2018) not only aims at distinguishing *desirable* regional migrants from *undesirable* ones but also links support for Venezuelan migrants and refugees and condemnation of the Venezuelan government with issues related to crime and drug trafficking, fundamental axes of the shift in immigration policy:

The Venezuelan government persists in its efforts to consolidate an authoritarian regime that systematically violates the fundamental freedoms and political rights of its citizens. The political, humanitarian, social, and health crisis that the Bolivarian Republic of Venezuela is going through threatens the consolidation of the South American peace zone since it negatively affects the stability of the region, especially that of neighboring countries.

The latter face a growing flow of refugees that impacts neighboring economies; generating favorable conditions for organized crime and drug trafficking and producing a spillover effect towards the rest of the region that weakens its governance (Decree 703, 2018, sec. 19).

As can be inferred from this quote, it is not Venezuelan migrants who could influence the increase in crime, but rather their impact on the economies of neighboring countries (from those countries bordering Argentina, as well as Venezuela: Colombia, Ecuador, Peru, Bolivia, and Paraguay) would create conditions for drug trafficking that would spill over into Argentina. In this context, in which Venezuelan *desirable* migrants can generate conditions for the arrival of *undesirable* ones from *neighboring* countries, the concrete application of migration policy towards them will demonstrate this contradiction, oscillating between service and security control, as we will observe in the application of this policy to the case of migrants in the Province of La Pampa.

The interviews with Venezuelan migrants who arrived in Argentina were carried out in the urban area made up of the city of Santa Rosa, which is the capital of the Province of La Pampa,<sup>6</sup> and its satellite city, Toay. Although La Pampa is not an attractive pole for international migrants,<sup>7</sup> it has anyway received new migration flows in the last decade (Linares, 2016), among which Venezuelan migration stands out. This increase was significant especially since 2016, when 300 requests for residence were resolved in general, reaching almost 800 requests in 2018. Of that total figure for 2018, a senior official from the DNM La Pampa Delegation confirmed that 307 were initiated by Venezuelan citizens, and in 2019 there were 122 until August, surpassing the more traditional nationalities, Paraguayans, and Bolivians. Although these figures are not entirely reliable because there are two procedures (residence and residence extension) and because some people carry them out even without residing permanently in the

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<sup>6</sup> Geographically located in the center of the Argentinian Republic, with a total area of 143,440 km<sup>2</sup> and a population of 318,951 inhabitants according to the last National Census of 2010 (0.8% of the total population of the country) (INDEC, 2010).

<sup>7</sup> Whereas in the 2001 national census the percentage of foreign population against the national population was 1.15%, in 2010 it was 1.08%.

province, the increase is significant when figures are compared with those of previous years. According to the migrants interviewed, 150 Venezuelans resided in Santa Rosa-Toay in 2019.

From the fifteen in-depth interviews conducted with Venezuelan migrants in the Santa Rosa-Toay urban area between 2018 and 2019, we were able to learn about the particularities of their relationship with Argentinian regulations and officials. All the migrants interviewed reported having obtained sufficient information about the procedures to be carried out for their document regularization in the DNM. In addition, almost all agree that they have received correct treatment from the employees and officials of the DNM delegation in La Pampa. Even so, in terms of the facilities for document processing, none of the interviewees could benefit from Provision 520/2019 for having carried out its regularization before that date, and almost all reported the inconveniences found when certifying birth or criminal record certificates in their country of origin once arrived in Argentina. Also, sometimes being a professional, their studies validated or not, prevented them from obtaining jobs that demanded lesser qualifications.

I had a problem with my older son who's 16, with his birth certificate, because it turns out that the apostille was not printed right, the code was not good, and Immigration did not accept it. And I still have that problem; they keep giving me precarious validation,<sup>8</sup> only for a few months that is (A. Y. García, personal communication, May 15, 2018).

Being a professional worked against me: I made my mind that I needed to work in whatever job. I told this lady (the potential employer) that if I had to mop floors I would do it without a problem. But she found that shameful because I am a doctor and she thought it was not right for me to do such jobs (J. P. Rojas, personal communication, January 22, 2018).

When we arrived in Argentina, our "criminal record" certificates were already expired and we had to do a lot of paperwork; we spoke with all the people from Immigration here and in Buenos Aires, and everything turned out well in the end, but this was a miracle! (D. P. Díaz, personal communication, February 10, 2019).

Finally, the restrictive shift in the general migration policy indirectly affected two of the Venezuelan migrants interviewed: a woman and a man (they do not know each other) who were detained by the provincial police on two occasions for *background checks*. According to those interviewed, the police stopped them on the street without reasonable suspicion of a crime and only to check their documents, yet in both cases, they were detained at police stations in Santa Rosa and Toay, for more than three hours each.

They gave me the DNI (acronym in Spanish for National Identity Document) so fast that I was in jail for it! [...] The police asked for my DNI and since I got it in less than a month, they thought it was forged. I was detained for two hours. Out of all my experiences, that was the ugliest one! They called Immigration, the criminal records people, and verified everything, every single thing. At the DNM I was treated very well, they even waived the fee for my son's paperwork, I don't know why. Yet the police were surprised that they gave me the DNI so quickly (O. S. Hernández, personal communication, June 10, 2018).

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<sup>8</sup> It refers to one of the residence categories contemplated by Law 25.871; It is worth clarifying that that precarious residence has a duration of 180 days.

It happened twice with the police, that they must get you on record, I don't know... the police have stopped me, supposedly because they realize I am a foreigner and well, I have had to go to the police stations, inside. One of them said something ugly to me once but I just kept quiet. It happened to me here in Toay and also in Santa Rosa. They told me they had provincial authority. Except for that one cop in Santa Rosa, they were all respectful. But each time I wasted three hours of my time (A. Costa, personal communication, July 27, 2018).

These arbitrary detentions by the provincial police indicate that the link between migration and crime does not only operate on the discursive plane of the new restrictive migration policy. While the State makes secretaries available to receive complaints on Human Rights violations suffered by Venezuelans in their country, another management instrument of the same State, the police forces, arbitrarily detain the same Venezuelans suspected of having committed a crime (document falsification).

Based on the analysis of these tensions between general and selective migration policy, it is necessary to dwell on the distinction between programmatic and conjunctural policies. Although both are an institutional response to the migratory phenomenon, programmatic policies are the result of a larger political project that includes broader economic, social and cultural aspects (Mármora, 2005). An example of programmatic migration policy was that resulting from Law 25.871 since it was a bill debated for several years in both legislative chambers, agreed with civil society organizations, including migrant organizations in Argentina, and wherein the political and social context in which the migration flows in the country were framed was considered (Novick, 2012). On the other hand, temporary migration policies are characterized by being a reaction to a migratory pressure of the moment, not responding to global planning, and not being thought of as far-reaching (Mármora, 2005).

Regarding changes in the general immigration policy, DNU 70/2017 pertains to the securitate and criminalistic vision of migration that prevailed during the 1990s in Argentina, when migration from neighboring countries was considered a threat to the economic and social order (Pereira, 2019). At the same time, since 2018 a selective policy based on criteria of labor and of channeling other regional migrants, Venezuelans, has been applied. We then find a migration policy made up of regulations of different hierarchies, where mutually exclusive state and conjunctural policies overlap. Meanwhile, the general policy hinders the implementation of the selective policy towards Venezuelans. Both programmatic and temporary policies are in turn traversed by various State institutions that manage them according to their areas of responsibility, with sometimes contradictory results. We thus observe, as happened in other moments in Argentinian history, a juxtaposition of regulatory instruments that propose contradictory complex selection and restriction criteria, managed by numerous organizations that result in confusing, incongruous, and thus inefficient public policy plots (Devoto, 2001) when it comes to fulfilling their goals.

#### CLOSING REMARKS

This work aimed to review the immigration regulations aimed at the Venezuelan community as well as the concrete actions promoted by the administration of President Macri in Argentina through the DNM and other organizations, to determine if it was a selective policy in the context of the restrictive turn in general immigration policy. For this, it was necessary to

describe the regulatory instrument of public policy that has been applied in Argentina to regulate migration issue since 2004 (Migration Law No. 25.871); some of the challenges that this instrument implied for the management device in the matter, the DNM, were briefly addressed. Then pointed at how the change in public policy came to be, describing its main instruments, especially DNU 70/2017, and the consequences it had on the conception of migration.

Faced with this paradigm shift that links —once again in the history of Argentina— regional migration with organized crime and drug trafficking, we highlighted the regulatory instruments and actions that the Argentinian State employed to promote, direct, and protect a specific migrant group: citizens from Venezuela. These public policy instruments evidence a selectivity that is characterized by a four lines approach document/migratory, educational, labor insertion, and protection of Human Rights.

These lines of public policy allowed the identification of three selection criteria. On the one hand, a labor criterion was discovered, manifested in the educational regulations, which demonstrates the State's interest in maximizing the benefit of qualified migration from Venezuela. On the other hand, the channeling criterion was evidenced, through actions aimed at directing professionals towards certain vacancy areas. Then, we believe that there was also a humanitarian and ideological criterion manifested in the regulations and in the collaboration to denounce violations of the Human Rights of Venezuelan migrants at the same time that the government of Nicolás Maduro was condemned. These criteria implied the diversification of the management instruments meant to address the matter.

The analysis of the selective policy revealed the tensions between it and the general migration policy, which emerges from DNU 70/2017. Opposing meanings were detected between one and the other with respect to the valuation of regional migrants. While DNU 70/2017 and the National Defense policy link the region's migrants to crime and drug trafficking, benefits befall only specific migrants: Venezuelans. Despite the benefits, the ambiguity of meaning was manifested in relation to the application of immigration policy. The particularity of being one of the few migrant groups benefited by a selective migration policy within a framework of restriction and suspicion did not exempt the Venezuelan migrants interviewed from the arbitrariness of the control forces. Detentions for *background checks* by the police force are a clear example of this.

It is clear from these observations that the Argentinian State operated in the case of Venezuela in two opposite directions. On the one hand, it condemned the Venezuelan government and promoted its suspension from Mercosur, evaluated and issued statements on the financial situation of that country, and denounced its government for crimes against humanity before international organizations, setting a clear line of foreign policy. While, on the other hand, the State made evident its interest and made available a series of internal public policy instruments to benefit the Venezuelan population residing in Argentina. It was an internal policy designed to remedy the unwanted consequences of a foreign policy, as was the case with Venezuela's suspension from Mercosur and the abandonment in which its citizens residing in Argentina were left. Thus, programmatic and conjunctural migration policies coexist, as well as general and selective contradictory ones, or with conflicting meanings,

which leaves open the possibility of using them alternatively for the benefit as well as to the detriment of different migrant groups according to political convenience. This juxtaposition, both of regulatory instruments and the institutions in charge of their management, reveals the confusing network of Argentinian migration policy since 2017. Meanwhile, the Venezuelan flow does not stop, and a coherent State policy is necessary to guarantee them the full enjoyment of their rights, as well as those of “all men in the world who want to live on Argentinian soil” (Constitution of Argentina, 2010, p.91).

Translation: Fernando Llanas

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