

**COUNTRY
CHAPTER**

ARG

ARGENTINA

BY THE GOVERNMENT OF ARGENTINA

(AS OF SEPTEMBER 2009)



1. Resettlement Policy

The government of the Republic of Argentina, in the framework of full respect of International Human Rights Law and International Refugee Law as embodied in its General Law for the Recognition and Protection of Refugees, has in June 2005 subscribed with UNHCR a Memorandum of Understanding for the Resettlement of Refugees.

This is consistent with the guidelines agreed upon in the Mexico Declaration and Plan of Action for Strengthening the International Protection of Refugees in Latin America: shared responsibility and duty toward international solidarity.

The Republic of Argentina recognizes that resettlement is an essential tool for refugee protection and a durable solution for refugee related problems, with the purpose of meeting the specific needs of refugees whose life, safety, freedom or other fundamental human rights are threatened in the first country of asylum.

The objective of the refugee resettlement programme is to provide protection and a durable solution through the prompt integration of refugees in the Argentine society based on self-sufficiency and their positive contribution to the local society. The age and gender perspective will be applied in the pursuit of these objectives.

2. Criteria for Recognition of Refugee Status

The criteria for the recognition of refugee status in the Republic of Argentina are based on the General Law for the Recognition and Protection of Refugees (Law N° 26.165), which adheres to the refugee definition of the 1951 Convention and its Protocol.

Additionally, the Law establishes that the term refugee shall also apply to any persons that have fled their country of nationality or of habitual residence, in the case of persons without a nationality, because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, mass violation of human rights or other circumstances that have severely disturbed the law and order.

3. Criteria for Resettlement

The criteria for resettlement established in the Memorandum of Understanding subscribed with UNHCR are as follows:

Need for legal and physical protection, where one or several of the following conditions exist:

- Immediate or long-term threat of *refoulement* to the country of origin, or expulsion to another country from where the refugee may be refouled;
- Threat of arbitrary arrest, detention or imprisonment;
- Threat to physical safety or to human rights in the country of refuge, analogous to that considered under the refugee definition, and rendering asylum untenable.

Survivors of violence and torture:

The resettlement in Argentina of survivors of violence and torture is subject to the availability of the necessary services.

Women at risk:

Women that lack the traditional protection of their families or communities and that face physical and/or psychological threats (rape, sexual harassment, violence, exploitation, torture, among others).

Children and adolescents:

Resettlement in Argentina of unaccompanied minors or minors who have been separated from their families and who require specialized attention and specific measures of protection is subject to the best interests of the child.

Refugees with no prospect of local integration in the first country of asylum:

When a refugee has remained for a certain amount of time in a country of asylum without having achieved integration, and where there are no real possibilities of repatriation in the near future, the refugee may apply for resettlement.

4. Resettlement Allocations

The Memorandum subscribed between the Government of Argentina and the UNHCR envisages that each year the Republic of Argentina will inform UNHCR of the number of persons that may be resettled in the country.

5. Admissibility for Resettlement

There are no special requirements for resettlement in the Republic of Argentina.

6. Submissions and Processing via Dossier Selection

The Memorandum envisages the possibility that UNHCR will submit emergency and urgent cases with legal and physical protection needs for the consideration of the State organization responsible for determining refugee status. Such cases would be analyzed exclusively on the basis of existing documentation. Considering the urgent nature of these cases, the decision must be made by the

organization referred to within one (1) week following receipt of the necessary documentation by its Secretariat.

7. Submissions and Processing of Refugees via In-Country Selection

The selection of candidates for resettlement in the Republic of Argentina is carried out by the agency responsible for determining refugee status, in line with the criteria established in the programme and from a humanitarian viewpoint.

Once the resettlement registration forms (RRFs) have been received, a selection mission is carried out in the first country of asylum, jointly with the implementing agency of the resettlement programme. The purpose of these selection missions, which are supported by UNHCR, is to facilitate the assessment of cases and to provide candidates with information regarding the scope of the programme and the living conditions in the Republic of Argentina. Once the visit has concluded, the agency responsible for determining the refugee status of an applicant adopts a decision regarding the cases interviewed within a term of no more than thirty (30) days, and communicates this decision to UNHCR.

The selection missions are comprised of one or more members of the State organization responsible for determining the refugee status of an applicant, staff from the Secretariat coming under this organization, and one representative from the UNHCR partner agency responsible for implementing the resettlement programme in Argentina.

8. Emergency Cases

As indicated, the Memorandum envisages the possibility that UNHCR will submit cases that could be analyzed exclusively on the basis of existing documentation, given their urgent needs for legal and physical protection, to the consideration of the State organization responsible for determining the refugee status of an applicant. Considering the urgency of these cases, the decision must be made by this agency within one (1) week of receipt of documents.

9. Special Categories

Although the Republic of Argentina takes into consideration the cases with specific needs submitted by UNHCR on the basis of the criteria indicated in Section 3 (victims of torture, women at risk, medical cases, unaccompanied minors, older refugees), the government of Argentina, jointly with the implementing agency of the programme and the Regional Office of UNHCR for Southern Latin America, consider the availability of the existing services for each particular case before making a decision regarding resettlement in the country.

10. Family Reunification of Refugees (Split Family Provisions)

The principle of family unity is enshrined in the main international human rights instruments, which enjoy constitutional status in the Republic of Argentina, and in the Law for the Recognition and Protection of Refugees and the Migration Law in force in our country.

Within this context, the Republic of Argentina has facilitated the family reunification in its territory of members of the same family group, even when this involves a family member that has not previously been included in the resettlement registration forms submitted by UNHCR. These cases of family reunification do not form part of the annual resettlement quota.

11. Medical Requirements

There is no specific medical requirement for resettlement in the Republic of Argentina.

12. Travel

Travel arrangements are coordinated by the International Organization for Migration (IOM) in cooperation with the Office of UNHCR in the first country of asylum.

13. Legal Status upon Arrival

Pursuant to Provision 45.144/05 of the National Migration Office, foreigners selected for resettlement as refugees in the Republic of Argentina are admitted to the national territory as temporary residents.

The National Migration Office has stipulated that refugees resettled in the country should enter the country with a two-year temporary residence visa issued by the Argentine Consulate in the first country of asylum. In other words, resettled refugees enter the national territory as legal residents and with authorization to perform remunerated tasks.

Once they are in the national territory, refugees will be allowed to use a special procedure to rapidly obtain the National Identity Document for foreigners issued by the National Registry of Individuals under the Home Office.

All the proceedings carried out by refugees relating to migration and to obtaining documentation are free of charge.

14. Domestic Settlement and Community Services

14.1 Actors

The resettlement of refugees in the Republic of Argentina is undertaken jointly by the government, UNHCR, and the agency of programme implementation in Argentina, specifically the Hebrew Immigrant Aid Society (HIAS).

Additionally, the Memorandum subscribed by Argentina and UNHCR establishes the creation of a Resettlement Unit, made up by representatives from various national government agencies: the Office of the Head of the Ministerial Cabinet; the Home Office; the Ministry of Foreign Affairs; International Commerce and Worship; the Ministry of Social Development; the Ministry of Labour, Employment and Social Security; the Ministry of Education, Science and Technology; the Ministry of Health; the Ministry of Federal Planning, Public Investment and Services; the Government of the Autonomous City of Buenos Aires, and/or other local jurisdictions, according to the planned place of resettlement. The Ministry of Foreign Affairs is responsible for the coordination of the Resettlement Unit.

14.2 Orientation

During the occasion of field selection missions, the Argentine government, jointly with HIAS, offers group briefing sessions on the country of resettlement and the conditions of the programme. Additionally, each family is interviewed individually to provide additional information and guidance necessary for informed and responsible decision making in a private setting.

The briefing includes practical information on aspects of the daily life in the place of resettlement and on the culture and customs in the country. Resettled refugees also receive orientation on health services, education, work, housing, and all matters relating to their process of integration.

At each resettlement locality, meetings are held at which refugees are briefed on the recent history of the country, its economic geography, aspects relating to the labour market, the education system, and labour and tax regulations, among other aspects. These meetings are held within two months of arrival in the country and follow a participatory approach. In addition, specially adapted activities covering similar topics are prepared for minors.

14.3 Reception

Upon arrival, and following the completion of the corresponding migratory procedures, resettled individuals are received at the airport by implementing agency staff and are accompanied to their final resettlement destination. In each resettlement town, there are people waiting to accompany them to their housing accommodation. In the days following their arrival, refugees begin demarches to obtain national documentation in each of the resettlement cities.

Immediately upon arrival, refugees receive a stipulated amount of money for their subsistence, which will extend over a period of up to twelve months and covers transport and food needs of the family.

14.4 Housing

Upon arrival, the refugee and his/her family may be accommodated temporarily at a family hotel, a boarding house, or a lodge, where each family will have a private room and will share kitchen and bathroom facilities with other guests staying at the hotel or boarding house. The maximum stay at temporary accommodation is two (2) months. Simultaneously, the refugee and his/her family will begin the search for rented accommodation, using the advice and guidance of the implementing agency and in line with the criteria previously established by the programme in terms of the number of members in the family.

It is possible that upon arrival of the refugee at the final destination, the agency will already have available rented, furnished and readied accommodation for the family, where they will stay throughout the full twelve-month period during which the programme covers its accommodation.

Regardless of whether the family stays at temporary or rented accommodation, they will receive the basic furniture and implements necessary for everyday living.

14.5 Health

In the Republic of Argentina, access to health services is guaranteed for refugees under the same conditions as it is for nationals.

The Argentine public health system is characterized by an excellent medical community that provides assistance equally to all those seeking health services at its centres, even when they do not possess a National Identity Document at the time they receive medical attention. The country also has a private health care system that may be accessed by the refugees and their families through contributions made under formal employment conditions.

There are no restrictions in the country for access by refugees to health practices and medium- and high-complexity medical tests, or to necessary surgical procedures at public hospitals, which are free of charge.

In some cases, the public health care system envisages the provision of generic medicinal specialties at lower-than-market values, which are available for the refugee and his/her family on equal terms as they are for nationals.

National legislation provides integral coverage for mothers and their newborn infants until they reach one year of age, and additionally guarantees the provision of medication, vaccines and regular medical check-ups free of charge.

The programme covers medical needs not envisaged in the public health system on an case-by-case basis .

Resettled refugees receive orientation on the available health services once they enter the country. Families are briefed on the importance of having their first medical check-ups at local hospitals at their earliest convenience and are accompanied on their first medical visit.

The programme implementing agency assists and guides the family of the refugee regarding the special attention required by minors relating to vaccination, ophthalmological, clinical and nutritional check-ups. Similarly, women are advised to seek gynecologic and birth control assistance.

14.6 Language Training

Considering that to date all the resettled refugees have spoken Spanish before arrival, there has not been a need to learn the local language.

14.7 Education

The Republic of Argentina guarantees access to state education at all levels – kindergarten and pre-school, primary, secondary and university – and to all foreigners, under the same conditions as nationals.

In coordination with the National Ministry of Education and the Provincial Ministries, arrangements are made to facilitate the administrative assistance necessary to obtain validation and recognition of studies completed pursuant to national legislation.

Additionally, the implementing agency envisages assistance and guidance for all minors in line with their needs through teacher support, from the time of arrival in the country, with the aim of adjusting and adapting them to the school curricula of our country and preparing them for exams.

Similarly, guidance is provided and/or arrangements are made to obtain vacancies in state day-care centres, kindergartens and pre-schools. Depending on the time of year during which a family arrives, access is provided to recreational activities in the way of municipal and/or provincial summer camps.

In regard to education for adult refugees, arrangements have been made with the corresponding government agencies for the revalidation of tertiary and university degrees granted in their country of origin. Additionally, the adult population receives guidance regarding continued education (at any level) or completion of studies in programmes specifically designed for this purpose, in which refugees are included under the same conditions as nationals.

14.8 Vocational Training

In coordination with government and private, national, municipal and/or labour association organizations, the Programme provides guidance relating to access to and participation in labour training and skills-conversion courses in line with the interests and needs of refugees, men and women, as well as young adults. These courses are usually short-term and do not require significant preparation for enrollment.

14.9 Employment

Refugees receive introductory courses on tools for accessing the local labour market, through coordinated efforts between the programme implementing agency and other employment agencies at all the resettlement destinations. Through these courses, refugees obtain information and learn to adapt their skills to the local requirements, and obtain other useful advice for job hunting.

Working-age refugees are referred to an established network of government and private employment organizations from which they obtain guidance and through which they can apply for available positions. The organizations involved perform a follow-up of job interviews and of success in obtaining jobs during the first months.

Refugees have access on equal terms as nationals to the Argentine government regulations governing salaries and benefits for workers.

The assistance programme also provides for access to a micro-credit fund that offers loans to refugees who submit a sustainable proposal that will enable them to carry out self-administrated economic activities with advice from the professional team managing the programme. Some resettled refugees have opted for this possibility as an alternative source of income or as their main source of income. The purpose of micro-enterprise is to enable the acquisition of tools, machinery and materials necessary to carry out activities such as handicrafts and decorative objects, auto repairs, footwear repair and design, design and production of apparel for children, preparation of food, among other activities.

Through networking, the agency assists entrepreneurial refugees in pursuing suitable training that will guide them in the proper and successful conduct of their economic activity.

14.10 Other Assistance

With regard to assistance for refugees, the main objective of the programme consists in promoting the active collaboration and shared responsibility of refugees in their integration to the new country, by establishing a sound basis to make this possible.

The programme intends to develop a resettlement process in which each individual and each family can manage their own lives and become self-sufficient, through collaboration and solidarity with other refugees and with the host society.

To this end, the implementing agency provides a team of specialized professionals that provides expert and timely information, guidance, psychological, social, labour, and educational support that enables and facilitates access to services, employment opportunities and social and cultural integration. This support gives special attention to the emotional well-being of the refugees and their families, to women and minors, and to providing psychological and social counselling.

For cases requiring special attention, a multidisciplinary approach is applied, which includes follow up by public mental health professionals and psychological and psychiatric treatment as necessary.

It should also be noted that refugees receive one-time financial assistance for buying school materials and uniforms and suitable clothing for cold weather.