

Constitution of category “false tourist”, in Argentina. “Tailored” borders for migrants from bordering countries

Constitución de la categoría “falso turista” en Argentina. Fronteras “a medida” de migrantes de países limítrofes

Angélica Alvites Baiadera^{a*}  <https://orcid.org/0000-0003-0226-4184>

^a Universidad Nacional de Villa María, Villa María, Argentina, e-mail: alvites.angelica@unvm.edu.ar

Abstract

The following article analyzes the constitution and development of the *false tourist* category (FT), as part of the border control devices, within the framework of the first constitutionally elected government (1983-1989) in Argentina. To respond to this concern, a national and regional-international organizations documentary *corpus* are interpreted through a qualitative methodology. The main conclusions reached include that the FT is part of *differential border management*. This an oriented and selective surveillance is formulated to reject foreigners. The foreigners are qualified as FT, according to clothing, income, length of stay, place of origin, among other requirements. Classifying the subjects as FT, and defining their rejection, seeks to reduce the *illegal potentials/futures* down permanence (“undocumented” immigrants) who want to work, access the health and/or education system in Argentina.

Keywords: false tourist, borders, migrants from bordering countries, border control, reject.

Resumen

El siguiente artículo analiza la constitución y desarrollo de la categoría *falso turista* (FT), como parte de los *dispositivos* de control fronterizo, en el marco del primer gobierno elegido constitucionalmente (1983-1989) en Argentina. Para responder a esta inquietud se interpreta, mediante una metodología cualitativa, un *corpus* documental nacional y de organismos regionales-internacionales. Las principales conclusiones alcanzadas comprenden que se constituye una *gestión diferencial de las fronteras*, en la cual se formula una vigilancia orientada y selectiva para rechazar a los extranjeros, principalmente migrantes limítrofes, que según vestimenta, ingresos económicos, tiempos de

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*Corresponding author: Angélica Alvites Baiadera. E-mail: angelalvites@yahoo.com.ar; alvites.angelica@unvm.edu.ar

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estadía, lugar de procedencia/origen, entre otros requisitos, puedan ser considerados no-turistas. Clasificar a los extranjeros como FT, y definir su rechazo, busca reducir los potenciales futuros *ilegales por permanencia* (migrantes “indocumentados”) que quieren trabajar, acceder al sistema de salud y/o de educación en Argentina. Palabras clave: falso turista, fronteras, migrantes de países limítrofes, control fronterizo, rechazo.

Introduction: “an Effect of Inheritance”

This article is part of a larger research project that interprets migration control policies and processes of subjectivation surrounding the *false tourist* (FT) category in Argentina during the period from 1980-2020 period. To achieve this objective, it is imperative to examine the earliest years of the category’s formation and development after the passing of Resolution 1089 in 1985 and to analyze the FT category in Argentina within the context of the first constitutionally-elected government (1983-1989) following the final civic-military dictatorship (1976-1983).

The 1985 resolution has been in effect for 35 years. It was modified in 1995 (Res. 1804), and in 2014, a provision (4362) annulled the earlier regulations but established the “Procedure for handling suspicious cases involving the tourist subcategory”. Consequently, despite shifts and modifications, the category under analysis still maintains the central purposes of the initial resolution: defining which individuals at the borders can be classified as tourists and nontourists and determining their potential for rejection (Alvites Baiadera, 2018). The category has thus survived changes to the general regulations governing migration policy, including the 1981 *General Law on Migration and the Promotion of Immigration* (called the Videla Law, after one of the military leaders of “the dictatorship”) and the 2004 *Migration Law* (Law 25.871).

In the 1990s, this category became more important as part of the selection and *filtering devices* (Balibar, 2005) used for the entry and rejection of individuals attempting to cross borders, especially those coming from neighboring countries and from Peru (Alvites Baiadera, 2017; Fleet, 1996). This change took place against the backdrop of the consecration of neoliberal policies in Argentina and the region, the establishment of different mechanisms for international and regional cooperation (e.g., Mercosur) and a number of local-international conflicts.¹

In 2014, the FT category gained public space when a new provision was announced, creating an uproar and leading to condemnation from civil society organizations by and for migrants, which felt that it ran counter to the *spirit* of Argentina’s new 2004 migration law.² These transformations took place in an atmosphere of internal unrest

¹ Three paradigmatic cases were the sale of arms to Ecuador and Croatia by Argentina until the mid-1990s (and its connection to the explosions at the Military Factory in Río Tercero, Córdoba); and the attacks on the Israeli Embassy in 1992 and the Argentine Jewish Mutual Aid Society (*Asociación Mutual Israelita Argentina - AMIA*) in 1994.

² This law, in general terms, focuses on expanding the rights of migrants. There were a number of different critiques of the new FT provision. For example, the Center for Legal and Social Studies (*Centro de Estudios Legales y Sociales - CELS*) described this measure critically as a “tourist test” (Morales et al., 2017, p. 187), and the organizations that participated in the “II National Conference of Migrant Leaders in Argentina” (II Encuentro Nacional de Líderes Migrantes en Argentina), held in Córdoba in 2015, organized a specific workshop on the subject and condemned the measure.

within the National Directorate for Migration (*Dirección Nacional de Migraciones - DNM*), due to the alleged loss of police power and of control over the agency (see Linares, 2017) and a weakening of “progressive” administrations in Argentina and the region (which, in the case of Argentina, was consolidated by the arrival of the Cambiemos alliance to the federal government and the province of Buenos Aires). During the Cambiemos administration, and following significant changes to the domestic and international policy, in 2018, the DNM issued a memorandum (192) that required the application of the new 2014 provision for “Suspensions involving the tourist subcategory [for] Haitians and other vulnerable nationalities [from the Middle East, Colombia, Africa, etc.]” (see Trabalón, 2018).

At present, and considering the change in administration at the federal level, certain organizations by and for migrants hope that this resolution will be annulled. However, in an interview conducted in mid-June 2020,³ the National Director of Migration, Florencia Carignano, indicated the importance of maintaining this provision as “a tool that the state can yield as a security measure” and brought the discussion of its potential elimination to a close, clarifying that

there are certain elements that the state must have and that migration agents must have at their disposal in order to be able to evaluate a security situation and to allow or not allow people to enter. Migration [DNM] is in charge of the entry, exit and stay of foreigners and this is a security measure, like so many others that the state has at its disposal.

When considering these critical moments in the application of the FT category, one might ask, why study *only* the early years of its formation? The FT category gained public relevance following its redefinition in 2014, but there is no academic research that delves into its *formation* as a way of understanding “the current inherited situation” (Castel, 1997, p. 12). As the author suggests, “the present is not only what is contemporary. What is inherited and the memory of this inheritance also have an effect on it” (Castel, 1997, p. 12). Along the same lines, and based on an initial analysis of the entire document corpus, it is evident that different elements surrounding the local, regional and international context of the first democratically-elected government following the final military dictatorship (also called the transition government) are obscured in the present. Looking back at those years could make it possible to generate new knowledge about old/new problems or, in this case, about an old/new category: the FT. In other words, *historicizing the present* (Gil Araujo, 2006) can help to understand the construction of “new categories of subjectivity and new types of political subjects, particularly modern concepts of the individual” (Shore, 2010, p. 36).

It is important to note that the distinction between tourists and nontourists is not exclusive or unique to Argentina’s control and surveillance policies; what is distinctive is the way the country designates people who cross the borders as FTs. In this sense, Walters (2006) suggests—in an analysis of Deleuze—that different types of border crossings constitute a *diagram of control*, which is dispersed among countries and operates with the objective of allowing states to distinguish “safe travelers” from others. The tourist/nontourist distinction is part of the migration control arsenal applied

³ Public interview (06/18/2020) coordinated by Pablo Ceriani Cernadas, director of the Department of Migration and Asylum from a Human Rights Perspective at the National University of Lanús (*Universidad Nacional de Lanús - UNLA*).

in different countries and regions (paradigmatic cases can be found in the border control approaches of the United States and the European Union). The application of not only visas, but the enactment of different requirements and the establishment of fast lanes (and, therefore, slow or more restrictive lanes) are common methods used at the borders between countries. Borders function as filters or differentiated passageways where surveillance—as opposed to an examination—has become the key method for differentiating and classifying passengers (Salter, 2004).

Along those lines, this article seeks to establish the specificity of the FT in Argentina based on the premise, as Domenech (2017) suggests, that it is imperative to critically examine “the numerous control and surveillance practices for migration that *existed* and *exist* in the South American space” (p. 20). Examining those early years will make it possible to investigate the category (FT) historically, as one of the “analytical keys to understanding [the] government systems” (Gil Araujo, 2006, p. 75) and *border policies*, to produce tools for analyzing (in future studies) their effectiveness in complex and diverse times, such as the 1990s and 2000s.

The *toolbox* of this investigation is grounded in an approach that connects migration and border studies and falls within a line of thought that understands borders not only as the *confines* of states but also as diverse spaces of demarcation, territorialization and mobility. As suggested by a number of authors (Mezzadra & Neilson, 2016; Casas-Cortes et al., 2015; De Genova et al., 2014; Papadopoulos & Tsianos, 2013; Walters, 2006), the central objective of migration and border regimes is not merely the expulsion or rejection of individuals who attempt to cross national borders; rather, it is the control, selection and filtering of entry and the determination of lengths of stay within the territory. Borders are thus constituted as spaces characterized by constant encounters, conflicts, tensions and negotiations that emphasize the *productive* and strategic role—in the Foucauldian sense—of borders in the creation of a particular cartography of the world and in the heterogeneous production of time and space (Mezzadra & Neilson, 2016).

These analytical tools are coupled with the analysis of the document corpus with the objective of contributing to the discussion in the *field of migration studies*, particularly in terms of the modes of control and surveillance at the borders, based on an analysis of the paradigmatic case of the FT category in Argentina. Using a qualitative methodology, a corpus of documents from domestic institutions and regional-international organizations was analyzed⁴ in order to develop interpretations of the sociopolitical context at the time and analyze the implementation of the FT resolution and its initial characteristics. A series of questions has emerged from the article’s general objective, namely: what is the sociopolitical context in which the FT category was conceived? What were its initial characteristics? How does this category

⁴ The regulations used in this article are as follows: *Argentine regulations*: Res. 1089/1985 (FT); Res. 1804/1995 (FT); Prov. 4362/2014 (FT); DNM Memorandum 192/2018 (FT); Dec. 4805/1963; Law 17.401/1967; Dec. 4418/1965 (Migration Regulation); Law 17.294/1967 (Repression of Clandestine Immigration); Decree 46/70 (National Policies); Dec. 464/1984 (CEPARE); Law 18.575/1970; Dec. 2336/78; Dec. 22.325/1980 (Border Center); Res. 1013/1980; Dec. 157/1983; Dec. 158/198; Dec. 1434/1987 (Migration Regulation); *General Law on Migration and the Promotion of Immigration (Ley General de Migraciones y Fomento de la Inmigración)*, 22,439/1981; Regulatory Dec. 780/1984 (amnesty); Res. 1798/1984; Res. 3850/1994 (Program to Facilitate the Migration Status of Peruvian Native Citizens residing in Argentina prior to 10/01/1994); *Migration Law (Ley de Migraciones)* 25871/2004 and Dec. 616/2010 (Migration Regulation). Other regulations: 1) from Brazil: Law 86,715/1981; Law 6,815/1980 (Foreigners’ Statute); Dec. 87/1991. 2) Law 22.735/1980 (Argentina-Uruguay bilateral agreement).

relate to the regulations on migration policy in Argentina in general and, in particular, to the 1981 *General Law on Migration and the Promotion of Immigration*, produced during the final civic-military dictatorship?

Antecedents: “Illegal Entries” and (Potential) “Illegal Overstays”

The 1985 resolution was legislatively supported by the 1965 *Migration Regulation 4418* (*Reglamento Migratorio 4418* Res. 1089) and was based, according to its first lines, on an assessment that it was *impossible* to permit the entry of “more” immigrants due to “the social conditions” in the country at the time and the presence of a “significant number of foreigners” who “misrepresent” the tourist category (the text in quotation marks is from the resolution).

As different social scientists suggest, the 1960s can be considered a pivotal moment in Argentina’s migration policy during which the restrictive nature of the regulations became increasingly clear. This is in line with the change in the composition of migratory groups following the interruption of overseas remittances and the increase in migration from neighboring countries (Pacecca & Curtis, 2008, p. 11; also see CELS, 1999; Domenech, 2012).⁵ According to Domenech (2013), the construction of “illegality” was consolidated in a context in which the mobility of workers from neighboring countries gained greater social visibility; they were recognized as migrants, “undesirable foreigners” and potential *threats* to society. These transformations were reflected in the 1963 decree, which stated that the migration legislation was “an unsystematic and, in certain cases, contradictory set of regulations that [...] undermine[ed] the essential elements of the *Migration Law*” and that it was therefore necessary to adapt it to the “true needs of the country”. This legal norm would be the first to mention *illegal entries* and *illegal overstays*, and it granted auxiliary migration police functions to the National Prefecture, the Argentine National Gendarmerie, and the Federal Police (CELS, 1999).

The 1965 *Migration Regulations*, on which the FT is based, introduced a set of regulations for the admission, entry, stay and exit of foreigners and prohibited the entry of those with criminal records that compromised the national security or public order. This regulation was focused on workers from neighboring countries and reinforced categories such as “illegal”, “clandestine migration” (which was inspired by the regulations in previous decades governing the entry and stay of potentially “hostile expeditions” between South American countries, such as the agreement signed between Argentina and Peru) (Alvites Baiadera, 2017, p. 80) and

⁵ Latin American migrant groups (primarily from Peru, Bolivia, Brazil, Chile, Paraguay, and Uruguay) are part of a long-standing movement that was characterized by slow but steady growth over the course of all the national censuses. In the 1991 national census, there were similar numbers of Latin Americans and Europeans “as a result of different but convergent processes: the mortality and nonreplacement of earlier overseas cohorts, and the continuation of neighboring migration” (Pacecca & Curtis, 2008, p. 21).

the potential expulsion of “undesirable” Europeans, such as anarchists (Domenech, 2011, 2012, 2013).⁶

During the same period, the decree entitled “Repression of Clandestine Migration” (Law 17.294) was passed, which contains three central measures related to the FT designation of the 1980s. First, the prohibition against giving work and employment to “illegal residents”: temporary residents and tourists, for example, were not allowed to engage in paid labor; second, the obligation of those who host foreigners to demand proof of their legal residence; and third, the granting of *migration police power* to the DNM throughout the territory, with the participation (if necessary) of provincial governments (Pacecca, 2001),⁷ giving border officials a crucial role in terms of their police, control and surveillance power.

In 1969, a year marked by social protest movements such as *Rosarioazo* and *Cordobazo*, which voiced serious questions about the *de facto* power led by Onganía, a decree-law established the Executive’s power to order and decree—in an “unappealable” manner—the expulsion of foreigners, including those with “permanent residence” who were classified as “undesirable”, in a manner analogous to the 1902 *Residence Law (Ley de Residencia)* (Domenech, 2012). As a result, during those years, policies were established that “promot[ed] selective migration, seeking to maintain the [...] ethnic composition of the population [...] and considering development and security requirements” (Decree 46/70 -article 15).

Beginning in the 1970s, there was an increase in the casuistry of how to *manage the borders*, and security, control and surveillance measures were defined by establishing—for the first time—border zones and areas (Law 18.575/1970). Although security zones and border security zones had existed since 1944, this new regulation expanded their role in “promoting the development” of those regions as measures of state control, surveillance and sovereignty over these territories (see also Dec. 46/1970). Halfway through the decade, by decree (2336/1978), directives were established for implementing what could be considered the first *border policies* (or their origin, see

⁶ In line with this regulation, in 1967, under the *de facto* Onganía administration, charges of communist activity were introduced, and expulsion from the country at the end of the sentence was established as an additional punishment for foreigners (Law 17.401). In the latter case, if the foreigner was naturalized, they were stripped of their nationality and deported after serving their sentence.

⁷ Furthermore, the creation of identification devices is key to the implementation of this measure, as it involves the organization and improvement of control and surveillance techniques. Thus,

in 1968, the Enlistment Papers that were issued to men on the occasion of their compulsory military service and the Civic Papers that women received on their 18th birthday were replaced. The National Identity Document (*Documento Nacional de Identidad - DNI*) would be the only instrument of compulsory personal identification. It would be issued to all those born in the country on their respective date of birth and to all foreigners who completed the residency process (legal registration as residents in Argentina) as soon as the DNM considered that the minimum requirements for that aim had been met (Alvites Baiadera, 2017, p. 84).

Currently, national migration laws throughout South America make it explicit that those in the country as tourists cannot engage in paid labor (except for specific exceptions).

Sassone, 2004a, 2004b).⁸ In the late 1970s, the National Superintendency of the Border was established within the structure of the Ministry of Defense, which was assigned the functions of the National Security Committee. The first systematic advances in border policies were thus characterized by the protection of national security and public order and the rejection of “undesirable” foreigners.

Subsequently, in the 1980s, Border Centers were created that are still in operation today; they are facilities that bring together different domestic agencies at authorized international crossings in order to coordinate actions to control the movement of people, transport and goods (22.325/1980). According to several authors (Linares, 2017; Sassone, 2004a, 2004b), following the “return of democracy” in Argentina in 1983, there was a gradual shift to a period of *border cooperation* between neighboring countries without abandoning the state power of control at border crossings and checkpoints. Following that period, there have been “[d]ifferent bilateral agreements and treaties on cooperation in health, energy, roads, security, and education [that] would lay the groundwork for future regional integration agreements” (Linares, 2017, p. 133. Also see Alvites Baiadera, 2019).⁹

In particular, when analyzing the document corpus, there are two specific/immediate antecedents to the resolution on FT. The first is a domestic resolution from 1980 regarding the conditions for being a tourist in Argentina, and the second is a Brazilian decree from late 1981 (86.715) that defines (among other measures) the legal status of foreigners in Brazil and contains several conditions similar to Argentina’s FT category.

⁸ Migration-related border studies gained momentum

with the increased number of studies on transnational migrations and their control, management and administration through policies that focused on the construction of walls, border guards, sophisticated electronic detection equipment, biometric controls, detention centers, among other measures, in the late twentieth century (Baumann et al., 2011 cited in Alvites Baiadera, 2019, p. 128).

On border regimes and migration governance in South America, see Gil Araujo & Santi (2019) and Domech (2017, 2018).

⁹ From the mid-1960s, devices to encourage tourism in Argentina gradually began to appear. The National Direction of Tourism was created, which

[would be] in charge of the functions related to the promotion and organization of domestic and international tourism and [would] support its development in terms of the educational, health, economic and social aspects, in such a way that its action [would ensure] the appreciation, encouragement and use of touristic elements and interests, putting them at the service of the physical and mental health of the people and the country’s economy (art. 2).

However, since the 1980s, *tourism policies* have been established more systematically in Argentina. As different authors suggest, these policies were promoted by international organizations such as the International Monetary Fund, the World Bank, the Inter-American Development Bank, the World Tourism Organization (WTO) and the Economic Commission for Latin America (Capanegra, 2006; Schenkel & Almeida García, 2015). A WTO report from the period emphasized state responsibility in the area of tourism, indicating that states should guarantee foreign investment and also promote this type of stay (Schenkel & Almeida García, 2015). During those years, regional and international agreements were created regarding how to handle tourism. Some of the most significant milestones were the Manila Declaration on World Tourism (1980), the Acapulco Document (1982), the Tourism Bill of Rights and the Tourist Code in Sofia (1985) and the Hague Declaration on Tourism (1989).

With regard to the first resolution, in his doctoral thesis, Pereira (2017) stated that, in 1980 (Res. 1013), the necessary conditions to be considered a “tourist” in Argentina were established as were the requirements for requesting an extension. Differentiated and more restrictive conditions were defined for “tourists from neighboring countries” than for citizens of other countries. Neighboring migrants would be granted an extension only when they had “the necessary economic resources” or were “visiting immediate family (parents, spouses, children, siblings) who are Argentine or live in the country”. These differentiations were primarily made based on national origins and socioeconomic conditions, factors that are used to question those who attempt to cross national borders.

The second antecedent was the Brazilian decree from late 1981 (86.715), which was passed within the context of the civic-military dictatorship in Brazil, which lasted from April 1964 until the election of Tancredo Neves in 1985—the longest dictatorship in South America. This decree regulated and governed the “legal status” of foreigners in Brazil. It was defined in the *Foreigners’ Statute (Estatuto del Extranjero)* (Law 6815/1980) and established the structure and responsibilities of the National Immigration Council of Brazil. According to this decree, a *tourist visa* could be granted to foreigners who entered Brazil for “recreational or sightseeing” purposes and who did not have “the objective of *immigration* or the intention to engage in *paid activities*” (art. 17; emphasis ours).¹⁰

In this Brazilian decree, in order to obtain a *tourist visa*, at the border *crossing*, the foreigner must present: 1) a passport or equivalent document; 2) an international vaccination certificate, when required (the decree does not specify when, why or to whom the certificate may need to be presented. In other words, it is at the discretion of the border official); and 3) proof of funds or a travel ticket entitling them to enter and leave the Brazilian territory. This final requirement would be established when the border official had *doubts* about the legitimacy of the foreigner’s tourist status;¹¹ as we will see in the following sections, this degree of discretion was similar to that defined in the resolution issued in Argentina a few years later.

State of Affairs: “Misrepresenting the Tourist Category/Distorting Socioeconomic Conditions”

Different authors have pointed out that the Alfonsín administration (1983-1989) attempted—with mixed results—to distance itself from the measures and practices

¹⁰ The Brazilian decree differentiated between the tourist visa and the temporary visa; the latter is granted to artists, athletes, students, scientists, educators, specialists, scholarship holders, foreign media correspondents or members of a religious congregation or order for cultural or business travel. To obtain a *temporary visa*, the applicant must present: 1) a passport or equivalent document; 2) an international vaccination certificate, when necessary (the decree does not specify when or to whom the certificate may need to be presented); 3) a health certificate (this item was revoked by Decree 87 in 1991); 4) proof of funds; 5) a certificate of criminal record or equivalent document, at the discretion of the consular authority (art. 23).

¹¹ In the 1981 Brazilian decree, for an individual to obtain a tourist visa, the Brazilian Federal Police Department would require proof of funds and a travel ticket to leave the country. The following were considered “funds”: possession of cash, a bank account, letters of credit or other documents that certify the possession of financial resources, the assessment of which was at the discretion of the border authority. Similarly, the tourist’s length of stay could not exceed 90 days, but it could be reduced or extended, depending on the analysis of each particular case, at the discretion of the Federal Police Department. If the period of stay was extended, in addition to receiving the authorization of the Federal Police, the individual needed to pay a fee and provide proof of funds (money or other funds) to remain in the country.

of the final civic-military dictatorship, which would have certain nuanced effects on migration policies, as will be seen below. In particular, this administration substantially modified —albeit with a varied impact— most of the foreign policy (see Perotti, 2006; Zurita, 2010; Quiroga, 2005) and domestic policy objectives. Significant measures were taken, such as the “Trial of the Juntas” (“*Juicio a las Juntas*”);¹² the creation of the National Commission on the Disappearance of Persons (*Comisión Nacional sobre la Desaparición de Personas - Conadep*); the economic plan known as Austral (later changed to Primavera), a process of economic integration with Brazil, Uruguay and Paraguay that would serve as the first steps towards the Southern Common Market (*Mercado Común del Sur - Mercosur*);¹³ the “Peace and Friendship” (“*Paz y Amistad*”) treaty signed between Argentina and Chile in 1984, which sought to reduce the chances of a potential military conflict between the two countries; and the law on divorce and shared parental authority, among other measures (see Quiroga, 2005). These transformations and attempts to break with the policies of “the dictatorship”, with all its conflicts and tensions, were exhibited in the different regional spaces of the international organizations in which Argentina participated during the early years of the Alfonsín administration. Thus, while “the resurgent democracy was struggling to become institutionalized, it had to adapt to the demands of the global economic reorganization” (Quiroga, 2005, p. 91-92).

In particular, this article focuses on an experience —within the context of meetings held by international organizations— that is useful for understanding this tension: the IV International Population Conference (CIP by its acronym in Spanish), which took place in Mexico from August 6 to 13, 1984. At that conference, the following were identified as regional challenges: “the volume and nature of international migratory movements”, “illegal or undocumented” migration, refugee movements, the exodus of skilled personnel, respect for human rights, and the need to “guide” the different “migration streams”. To achieve this, international organizations promoted the “cooperation of countries of origin and destination and the assistance of international organizations” (CIP, 1984).

¹² In the very first days after the inauguration, the members of the three military juntas that took power on March 24, 1976, and the leaders of the People’s Revolutionary Army (*Ejército Revolucionario del Pueblo - ERP*) and Montoneros armed organizations, were prosecuted (Dec. 157/83 and 158/1983).

Following the trial of those responsible for the repression, a tense relationship developed between the radical government and the Armed Forces, which erupted with the military uprising during Holy Week, in April 1987. The Full Stop Law, passed in December 1986, was the result of military pressure [...] (Quiroga, 2005, p. 103).

¹³ The foundations of Mercosur, in addition to bilateral agreements of different types, were developed within the framework of the Latin American Free Trade Association (*Asociación Latinoamericana de Libre Comercio - Alalac*), a Latin American regional organization that existed between 1960 and 1980, and the Latin American Integration Association (*Asociación Latinoamericana de Integración - Aladi*), a regional organization that was created in 1980 by the treaty signed in Montevideo that same year and that replaced the Alalac.

At that conference, the Argentine delegate, Juan V. Sourrouille,¹⁴ sought to distance himself discursively from the migration and *population policy*¹⁵ “of the years of lead” in these terms:

A population policy that does not respect the freedom of individuals loses the essence of its meaning. The recent, tragic experience of our country is an example of this. A military government that did not respect basic human rights and that, based on a *national security pseudotheory*, adopted a demographic policy that sought to increase international immigration into the country, producing the well-documented result of an expulsion of immigrants from neighboring countries and the largest emigration of Argentines in our history, whose return now poses a serious problem (Sourrouille, 1984; emphasis ours).

Through this contribution, as with its participation in other spaces, the government sought to reach a consensus in order to reduce the critical scrutiny of local institutions, promote a discourse that was favorable to human rights and recognize the difficulties in the migration policy in relation to the expulsion of migrants from neighboring countries and the increased emigration (exile) of Argentines.

In this regard, several measures were adopted that can be analyzed as part of the government’s attempt to distance itself from the migration policies of “the dictatorship”, such as return programs for Argentines, bilateral agreements with different countries regarding migration and border control, and the 1984 amnesty, which primarily impacted migration from neighboring countries and from Peru (see Alvites Baiadera, 2017; Clavijo & Santi, 2009; Lastra, 2016; Mármora & Gurrieri, 1988; Pacea & Curtis, 2008).

A significant measure that defines who can cross the borders and how and legitimizes the control practices exercised by border officials resulted from the signing of *bilateral agreements* on migration (see Cozzani de Palmada, 2001) and borders. An agreement between Argentina and Uruguay introduced “integrated” controls through the *Joint Border and Unified Documentation Control*, which was the prelude to other agreements among the countries in the region regarding border checkpoints and the movement of individuals (see OIM-CSM, 2016; Alvites Baiadera, 2019). Additionally, that same year, an agreement was signed to *facilitate tourism* between Argentina and Uruguay as a mechanism to create fast channels for “safe travelers” between the two countries. The movement of individuals was thus filtered/managed through joint control and the facilitation of tourist entry.¹⁶

¹⁴ Sourrouille replaced Grinspun at the Ministry of Economy in early 1985. According to different social scientists, this change involved the appointment of a minister “with greater external consensus, who was tasked with containing inflation, which at the time was 30% per month, and seeking a mechanism for negotiating with the creditor banks. This is the origin of the Austral Plan” (Busso, 2014, p. 17).

¹⁵ Domenech argues that:

Within the framework of the National Security Doctrine, population control appeared as a key element of internal security. In this regard, Pérez Vichich (1988) states that the immediate antecedent of the Videla Law was Decree No. 3978 of 1977, which referenced ethnic homogeneity and Latin American prejudice (Domenech, 2009, p. 82).

¹⁶ The agreement was called the “Facilitation of Tourism between the Republic of Argentina and the Oriental Republic of Uruguay” (Law 22.735/80).

Another measure that reflected the desire to control the entry and stay of neighboring migrants was the 1984 *amnesty* (the fifth in Argentina’s history¹⁷). Some researchers have interpreted this amnesty as applying to all migrants with an irregular status, but in the majority of cases, neighboring migrants were accepted within the framework of the *reconfiguration of the migration pattern* (see Sassone, 1987; Pacecca & Courtis, 2008). *Irregularity* in general, and the conversion of people registered as tourists to “irregulars” in particular, were a clear concern of the Alfonsín administration. Along those lines, a report by the International Organization for Migration (IOM) (OIM, 2012) highlighted the difficulties that Argentina has experienced since the mid-20th century in terms of “addressing the impact” of neighboring migrants (and migrants from Peru) entering Argentina as tourists and remaining to work, study or “live” in the country. The Alfonsín administration’s reading is that this irregularity had been “achieved, in most cases, by applying a migration policy that is divorced from the socioeconomic reality of the country and its inhabitants” (Dec. 780/1984).

In particular, this amnesty was defined as a *final and exceptional* measure for population planning within a context of “serious economic difficulties”. The measure was proposed as a definitive solution to a political, social, and economic “problem”, “understood by the state as a situation that can be regulated in administrative and legal terms” (Domenech, 2012, p. 198; Domenech, 2009). The considerations of the 1984 amnesty decree made it clear that it was *exceptional* because of the “almost unprecedentedly low capacity to receive immigrants [in Argentina]” (Dec. 1434/1987) and *final* because the “socioeconomic circumstances, with their consequent unemployment, and insufficient health, educational, and social infrastructure, in general, create[d] the context of a profound crisis that [...would require] the preparation of short-term migratory measures commensurate with that situation” (Dec. 1434/1987). In other words, following this act of leniency, the Alfonsín administration understood that it was imperative to apply a policy that was “firm and rational, based on the population needs of the Nation” (Dec. 1434/87), measures that would (allegedly) counteract the differential gap or negative *account balance* (Sayad, 2010) caused by international migration when migrants—primarily those from neighboring countries— *misrepresented* themselves as tourists.¹⁸

Finally, another significant measure that ensured the continuation and viability of the FT was the *passing of the Videla Law* in 1987, which put an end to expectations for an alternative migration policy in the first democratic period. A restrictive policy was implemented, and although it did not differ substantially from what had been established in prior legislation (Domenech, 2013), it did introduce new specifications regarding which foreigners were “desirable” for the purpose of entering and remaining in the territory (see Domenech, 2012).

¹⁷ On amnesties in Argentina:

Amnesties in Argentina occurred in: 1949, 1958, 1964, 1974, 1984, 1992, within the framework of governments elected by vote. A decree was passed to simplify the procedure and the required documents in order to address the issue of ‘illegals,’ and to regularize and document a significant number of foreign residents in Argentina (Pacecca & Courtis, 2008).

¹⁸ This was replicated in the Carlos Saúl Menem administration, which granted amnesty (usually to regional migrants) and then passed a new version of the Videla Law in 1994 and modified the FT resolution for better implementation in 1995.

In short, the FT was connected to the amnesty the 1984, as it dismissed the past actions of foreigners —primarily migrants from neighboring countries— who *misrepresented* their “tourist” status, and to the regulations of the Videla Law because it did not contradict the principles of that law. The Videla Law maintained that entry or stay would be “legal” when foreigners met the requirements for admission; that is, when the analysis corresponded to the requirements established by the FT resolution. Remaining in the Argentine territory would be possible if *nonnationals* (in the terms of Sayad, 2010) were admitted and had entered through authorized sites, complied with migration control, met the requirements at the border and did not exceed the authorized period of stay. Consequently, the state of affairs or the assessment carried out made it possible to justify the application of the FT category and legitimized the control practices of border officials in defining who were tourists and who were not, establishing a common mechanism to define and maintain certain classifications for individuals who crossed the borders.

False Tourist: How to “Detect Them at First Glance”¹⁹

The objective of the 1985 resolution was to differentiate at the border control checkpoint between those who were tourists and those who were not. *Rejection* was determined by border officials when they classified passengers as foreigners entering Argentina for “recreation and leisure” (according to art. 38 of the 1965 *Migration Regulation*) and distinguished them from those who (allegedly) did not meet the requirements for this type of stay (Alvites Baiadera, 2018).

In the resolution, the direct justification for its applicability was based on the “accumulated antecedents and studies conducted” that revealed the existence of “a significant number of foreigners [who] misrepresent[ed] the ‘tourist’ status”. However, no information was provided on those antecedents or studies, nor was a specific number referred to when the idea of “a significant number” was mentioned.

Furthermore, there was a *suspicion* that certain foreigners were entering the country by *misrepresenting* the tourist category and that they “ultimately distort[ed] [...] the socioeconomic infrastructure of the urban centers where they [settled]”. It was therefore “necessary to improve the migration controls for entry and stay” to ensure “better compliance with the legislation [...] and in the interests of the national migration policy”.

In order to identify, detain and/or reject individuals who crossed the borders as *false tourists*, the “border control authority” (DNM or Auxiliary Police) “[should] briefly question the alleged tourist regarding the reasons why they intend to enter and stay in the country”, and “this authority” would “conclude” whether “the reasons invoked” were sufficient for that stay or “if [the alleged tourist] was a ‘pseudo’ or false tourist.” If that were the case, admission to the country would be denied, and arrangements would be made to return the migrant to his or her place of origin, in accordance with the “Videla Law”.

¹⁹ In this section, the text in quotation marks is from Res. 1089/1985, unless it is explicitly stated that it is from a different author or regulation. This was done to improve comprehension and readability by not overloading the text with citations of the resolution.

At the *border crossing*, the control authority could demand that the foreigner wishing to enter the country as a tourist present the reasons for entry, which would need to be linked to recreation and leisure. To that end, “the control authorities [should] make every effort to detect, upon presentation of the interested party, and if possible, at *first glance*, whether or not they are a false tourist” (emphasis ours). In order to detect them at *first glance*, the control authority could consider the following elements:

[...] the applicant’s *clothing* and *baggage*, appropriate for the number of days they wish to spend in the country, the places they intend to visit and other circumstances, which may be followed by a brief questioning regarding the itinerary to be followed, places to be visited, *lodging* and transportation, port or *airport of departure*, means of transportation to be used for departure, indication of whether or not they have a *return ticket*, relatives or friends who live in the Republic and whom they intend to visit, etc. In the case of family groups, the questioning will be conducted only with the head of the family [emphasis ours].

If any of the indicated requirements were not met (and, as can be seen, these are quite broad and imprecise), the border control authority *always* had the discretion to “reject the alleged tourist”. This reaffirms the central role of border officials in the construction of subjectivities.

One particular characteristic of this resolution is that it explicitly requested “the collaboration of the Ministry of Foreign Affairs and Worship with [the] dissemination of the [resolution] in the Argentine consulates in neighboring countries”. This reflected the Argentine state’s desire to have greater control over its borders and ensure that neighboring migrants who wished to work or study, etc., did not enter through international tourism channels. This relationship between migration from neighboring countries and work can be observed in one of the final paragraphs of the 1985 resolution, in which border officials were instructed that when “this situation is detected” (i.e., that foreigners attempt to apply for tourist status in order to “enter [and] permanently live and work in the Republic”), the corresponding rejection would be made, but they had to be told which steps they needed to take to enter as *workers*. Along the same lines, since 1960, the IOM has indicated that “the conditions facilitating tourist movements with neighboring countries [determined] almost all of the entries of nationals from neighboring countries [when they] enter[ed] as tourists with the intention of living in Argentina” (OIM, 2012, p. 39).

In turn, the FT category can be understood as one of the devices of *borders of permanence*, i.e., borders “linked to the state mechanisms that stipulate the modes of residing at the destination” (Alvites Baiadera, 2019, p. 123). Thus, when asked to extend an individual’s tourist status, the DNM could once again evaluate whether or not the subject was a “pseudo” or *false tourist at the destination*. The “Videla Law” established that “the migration authority may limit the stay of a foreigner” (art. 19, Law 22.439) and “[may] cancel the temporary or provisional residence that was approved, when the reasons that were considered for granting it were *misrepresented*” (art. 20, Law 22.439.; emphasis ours). In the event that a foreigner is considered/catalogued/classified as an FT *in Argentine territory*, “the ‘alleged tourist’ [would be] informed

[that they must] leave the country and present a booking of passage for that purpose within a period of ten (10) days, under penalty of law”.²⁰

Consequently, based on the interpretation of the different antecedents, it is clear that the FT category was grounded in a number of different elements. First, the Alfonsín administration carried out an examination of the economic, political and social situation in Argentina and concluded that it was impossible to allow the entry of “more immigrants”. This was supported by the creation of regulations that controlled and restricted the entry and stay of migrants. Second, the Videla Law, which was connected to migration policy, established regulations that controlled and restricted entry and stay. The FT category was thus applied as a response to “a deep crisis”, for which a targeted and selective surveillance was proposed in order to reject certain (neighboring) foreigners who allegedly wanted to work “without papers”, access the health system and receive educational benefits.

Conclusions: “Tailor-Made Borders”

This article analyzes the FT category as part of the *border policies* implemented in Argentina, interpreting its introduction and development within the context of the first constitutionally-elected government (1983-1989) following the final civic-military dictatorship in the country. To this end, the article reconstructs the conditions under which the FT category emerged, the antecedents of its formation (local and regional), Argentina’s migration policy and the characteristics of the initial resolution.

Throughout the text, the following characteristics of the FT category are evident. First, it sought to recognize and select those individuals in international tourism movements who could bring foreign currency, distinguishing them from those who called themselves tourists despite having other aims (work, study, other). Second, it was created as a response to the desire for greater control and surveillance, in pursuit of *more orderly management* of the borders (such as, for example, classifying individuals based on their type of stay and separating and interpreting entry and exit records). Third, it presented a *technical problem*, as it used a set of requirements to identify individuals who *misrepresented* the tourist category. Fourth, it was proposed to *control primarily migration from neighboring countries* by those who attempted to enter the country as tourists but whose aim was (allegedly) to live in the country.

Fifth, *border officials* were given a *crucial role* in the selection or exercise of police power, which unlocked “new” ways to designate individuals who were rejected at the border and legitimized certain power relations. Accordingly, using a set of requirements and considering a migrant’s clothing, social and national origin and economic resources “at first glance”, among other criteria, they could assign

²⁰ One significant fact is that although it was not possible to locate an established control mechanism in the form of a manual, spreadsheet, etc., the existence of a certain application mechanism was revealed in a bilateral agreement, the “Program to Facilitate the Migration Status of Native Peruvian Citizens”, between Peru and Argentina (Res. 3850) in 1994, a year prior to the modification of the initial FT resolution, during the Carlos Saúl Menem administration. In this program, the Argentine state presented a “regularization plan” and, simultaneously, provided a series of steps/requirements to the Peruvian authorities that were implemented at the border to detect FT, based on the 1985 resolution. It is important to note that the Peruvian population is one of the fastest growing in the country, according to the last three national censuses (1991, 2001, 2010), and has shown a high rate of migratory irregularity (Alvites Baiadera, 2015).

FT status at their own discretion. It is important to note that there is no mention (invisibilization) of the gender category. This range of potential requirements that could be assessed at the border emphasizes the complexity of policies in terms of how they are constructed and perceived. It is still necessary, as suggested by Shore and Wright (1997), to analyze how border officials give meaning to the FT, that is, to determine “what it means to them”.

Finally, and in conjunction with the above items, this resolution was one of the mechanisms that strengthened and enabled the exercise of government at *border crossings* and *borders of permanence*. The controls at *borders of permanence* sought to detect, within the context of the request to extend the tourist status, those migrants (primarily from neighboring countries) who might *threaten* the *social fabric*.

Consequently, the FT category, as a feature of *polysemic* and *heterogeneous* (Balibar, 2005) *borders*, affected populations in unique ways according to their nationality, their aesthetics and their ethnic and class status, characteristics that are all part of a decidedly complex assemblage within the system of *differential border management*. A commitment to the *orderly administration* of migration which sought to “deter” and/or reject foreign migrants at the *border crossing* in order to reduce potential/future *illegal stays* and detect nontourists at *borders of permanence*.

Taking the FT as a paradigmatic case, this article constructs tools for examining how the processes to control, classify and stratify populations are formed. In conclusion, the *filtering devices* that could initially be assumed as inherent to *border crossings* (although it is there that the political participation of individuals is exercised within the realm of the *police*, according to Balibar, 2005) are at the *center* of the political landscape (Mezzadra & Nielson, 2016) and are part of the distinction made *within* the territory, at the borders of permanence. The distinction between nationals and nonnationals and the identification of certain (suspicious) foreigners based on their social, ethnic and economic status are structured to define different categories of foreigners, thus establishing different conditions of *acceptability*. At these borders, individuals *navigate* not only the *bureaucracy* of having *their presence*, their papers and their baggage examined but also the *suspensions* that fall on their bodies due to (allegedly) fueling crises in the “destination society”.

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Angélica Alvites Baiadera

Argentine. PhD in Political Science from the National University of Córdoba. Assistant Researcher of Conicet with workplace in the Instituto Académico Pedagógico de Ciencias Sociales, Universidad Nacional de Villa María. Member of the Research Program "Migration and Mobilities in a Critical Perspective" (CIECS-Conicet-UNC/CEA-FCS-UNC). Research lines: international migrations, migration control policies, border regimes and migrant subjectivities (particularly, Peruvians in Argentina, the figure of false tourist). Recent publication: Migraciones internacionales, fronteras y Estados. ¿Cómo interpretar el régimen de frontera desde América del Sur?, *Revista Desafíos*, 31(1).