Articles

The "politics of hostility" in Argentina: detention, expulsion and border rejection

La "política de la hostilidad" en Argentina: detención, expulsión y rechazo en frontera

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Abstract

This article aims to analyze the transformations produced in the field of migration control policies in the recent Argentine context. The notion of "politics of hostility" is proposed to characterize a specific mode of political intervention based on the spectacularization, expansion and intensification of migration control. It is argued that the main changes are related to the reconfiguration of the control regime of migrant "illegality" that has taken place through specific interventions on detention, deportation and border rejection. Based on a qualitative methodology that articulates participant observation, interviews, and diverse documentary sources, different processes, scenes, events, interventions, and conflicts specifically related to detention, deportation, and border rejection are analyzed. In addition, special attention is given to the emergence of new spatialities and temporalities of migration and border control.

Keywords: migration, borders, control, Argentina, deportation, politics of hostility.

Resumen

Este artículo tiene como objetivo analizar las transformaciones producidas en el campo de las políticas de control migratorio en el contexto argentino reciente. Se propone la noción de "política de la hostilidad" para caracterizar un modo específico de intervención política basado en la espectacularización, la expansión y la intensificación del control de las migraciones. Se sostiene que los principales cambios están relacionados con la reconfiguración del régimen de control de la "ilegalidad" migrante que ha tenido lugar a partir de intervenciones específicas sobre la detención, la expulsión y el rechazo en frontera. Con base en una metodología cualitativa que articula observación participante, entrevistas y diversas fuentes documentales, se analizan procesos, escenas,

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acontecimientos, intervenciones y conflictos vinculados específicamente con la detención, la expulsión y el rechazo en frontera. El análisis presta especial atención a la emergencia de nuevas espacialidades y temporalidades del control migratorio y fronterizo.

Palabras clave: migraciones, fronteras, control, Argentina, deportación, política de la hostilidad.

Introduction

During the last decade, after the first migratory reforms carried out by some national governments recognized as "progressive" or "post-neoliberal" and after various efforts at constructing regional consensuses around migration, there was a significant reconfiguration in the field of South American migration policies. Thus, in a regional context with important mutations in migration movements and a changing political stage due to the coming to power of parties or coalitions of a "new right", the expansion and intensification of migration and border control were expressed through the increase of state violence toward migrants and the proliferation of punitive and repressive practices under new justifying narratives. This article aims to analyze the transformations produced in migration control policies in the current Argentinian context. I maintain that the main changes experienced in migration control relate to the reconfiguration of the control regime of migrant "illegality", which took place through specific interventions on detention, deportation, and rejection at the border. Furthermore, I suggest that in the framework of an official strategy of spectacularization of migration control, which is part of a process of criminalization and securitization of migration with a scope that goes beyond Argentina, the detention, deportation, and border rejection practices acquired an unusual preeminence, establishing multiple disputes with organizations and groups that historically or occasionally act in defense of migrants.

Based on the proposed "politics of hostility¹", I also seek to account for the expansion and intensification of migration control in the Argentinian context. These processes relate to events that reorganized the struggles around the migration issue, which contributed decisively to establishing a politics of deportation. There were two crucial government measures in this direction: creating a detention center for migrants in an administrative "irregular" situation and a decree focused on the concept of deportation. Rejections at the border also played an essential role in producing unrest among some migrant collectives, although they did not cause significant confrontations between migration authorities and migrant rights organizations. I also explore and analyze the spatial-temporal dimension involved in the migration control expansion and intensification processes and policies. Therefore, I suggest that the transformation of the control regime of migrant "illegality" took on new spatialities



¹ Without an exhaustive development, I have previously used the notion of a "politics of hostility" in Domenech (2019) and París, Domenech, and Bélanger (2020).

and temporalities of control in the Argentinian context. By investigating some of the forms that the exercise of control takes, I intend to indicate that, although the intensification of migration and border control is a question of magnitude, it is not only in quantitative terms. It is about the diversification and multiplication of specific control practices, executed on different spatial scales and variable time intervals. In order to develop these suppositions, the article is organized as follows: the first section provides some theoretical and methodological details on securitization, illegality, and hostility; the second section describes in general terms the "politics of hostility" toward migrants in the Argentinian national context; the subsequent three sections reconstruct and analyze some processes, stages, events, actions, and conflicts related to detention, deportation, and border rejection to shed some light on the most recent transformations in the field of migration control policies. The last section provides some final considerations on the findings of this article.

Securitization, Illegality and Hostility

In recent years, the notion of *securitization* has been widely used to explain some of the changes in migration policies in the South American context, particularly those national experiences that illustrate an intensification of migration and border control and state violence against migrants. Hence, it is common to find references to migration criminalization processes and to tighten border controls and, in some cases, to their link with a notion of "security" generally labeled as national. Although this article does not explicitly scrutinize the migration securitization process in Argentina, the analysis of certain control practices necessarily refers to this concept. The category of "politics of hostility" is linked to the way the (in)securitization of migration occurs (Bigo, 2002). The approach here to the notion of securitization is based on some central propositions of critical studies of security (Balzacq et al., 2010; Bigo, 2002; Bigo & McCluskey, 2018; Huysmans & Squire, 2009). Thus, discourses, practices, or representations without a punitive or repressive connotation are also assumed as part of the production of (in)securitization. The attention to securitization in these terms assumes other spatialities and temporalities in analyzing migration and border policies and practices. For this reason, I avoid using the criterion of spatial-temporal delimitation of the chronological periods imposed by the succession of governmental administrations or making interpretations in terms of continuities and ruptures in specific periods. Instead, I am more inclined to apprehend the different spatialities and temporalities of migration control policies and practices.

The exploration of migration control policies and practices developed in this article follows the critical theoretical-methodological approaches that propose the concept of *regime* for studying migration and borders (Hess, 2012; Hess & Kasparek, 2017; Sciortino, 2004; Tsianos & Karakayali, 2010). Thus, from the perspective of critical migration and border studies, the concept of regime refers to a space of



conflict, negotiation, and resistance to movement control. This article starts from the premise that migration policies were, and are, constituted around the tension between the control and freedom of movement in specific national frameworks that are part of international mobility regulation processes. Together with the contributions of the view of autonomy of migration, the notion of regime makes it possible to challenge those approaches in the study of migration policy that view migration from a sedentary conception, which reproduce the perspective of the so-called receiving society. On the other hand, the notion of regime allows for the incorporation of a multiplicity of actors, whose practices are related but not organized according to a central logic or rationality, that is, it makes it possible to understand regulation as an effect of social practices (Hess, 2012). Similarly, the concept also leaves room for interstices, ambiguities, and tensions: a regime is the result of constant repair work through practices (Sciortino, 2004).

From this perspective, migrant struggles (De Genova et al., 2015) are also constitutive of migration policies. They are not just responses or reactions to the official policies or any new form of migration regulation; they actively participate in their configuration. In tune with the propositions of the autonomy of migration, I understand that migration policies are shaped and organized based on how they are challenged by the multiple forms and continuous transformations that migration movements acquire, and the diverse struggles triggered by the search for control. Here, I pick up again the notion of an "illegal" migration control regime, used previously to analyze the historical production of the "illegal migrant" figure in Argentina (Domenech, 2011). This regime includes practices of control of those mobilities that do not respond to state parameters (e.g., those that infringe migration laws or that do not follow the technocratic formula of "secure, orderly, and regular migration"), as well as regulation practices of diverse character (punitive, repressive, assistential, humanitarian) explicitly related to detention, deportation and deportability, border rejection, regularization, and "voluntary assisted return", among other possibilities. Similarly, it can include practices of negotiation and response to control such as struggles for documentation, denunciations of human rights violations, legal defense of migrant rights, mobilizations against detentions and deportations, and "struggles for movement",² among others.

This article proposes the notion of a *politics of hostility* to give an account of a dominant form that the power relationship acquires from the disputes that various actors in the field of migration and borders maintain and the specific forms the exercise of migration control takes. A politics of hostility is not limited, nor does it necessarily have to coincide with a period of government; it can precede it, exceed it, or determine a moment of varying durability. In this sense, a politics of hostility as a dominant form does not pretend to ignore practices that give an account of other categories such as so-called "selective hospitality", targeting specific national groups.



² The author uses "struggles for movement" in the sense proposed by Papadopoulos and Tsianos (2013), Martignoni and Papadopoulos (2014), and Tazzioli (2015).

In analytical terms, it is not a matter of opposing one with the other but understanding their connections and mutual constitution. Similarly, by assuming that migration and border control practices are heterogeneous, changing, and dynamic, I seek to examine their configuration in relational terms, that is, avoid isolating a practice from the set of practices directed at regulating migration and borders. Although the focus is on detention and deportation practices, the intent is to understand them from their relationship with other control practices in certain contexts and specific circumstances. Furthermore, to more fully understanding the exercise of migration and border control, attention is given to how the actors strategically use space and time while producing certain spatialities and temporalities from their actions. Authors of critical migration and border studies with diverse disciplinary origins have drawn attention to the relevance of the space/time interrelation and to the spatial and temporal categories to understand the functioning of the border regimes and the crucial role that borders play in the control of movement (Bigo, 2010; Conlon et al., 2017; Griffiths et al., 2013; Khosravi, 2014; McNevin, 2019; Mezzadra & Neilson, 2017; Tazzioli, 2018).

This article uses material from fieldwork carried out in different periods between mid-2013 and the end of 2019. The fieldwork began when deportation and migration control practices, in general, were not considered a significant research topic and had not gained much public visibility or exposure in Argentina³. Even in the migrant activism circles that I frequented, they did not constitute a priority in collective actions. The time interval between the invisibility of the deportations and the appearance of measures such as the initiative of creating a detention center for foreigners with a deportation order and the reform of the migration and citizenship law —which contributed decisively to reinstating the topic of deportation in the public debate was fundamental to understanding the transformations in the field of migration policies in terms of a "politics of hostility" and evoking the need to speak of a "politics of deportation" and not only of deportation practices.

During these years, I conducted several interviews with migrants of different nationalities, met or contacted from occasional encounters, shared social or political spaces, and personal ties. I also held conversations and interviews with representatives of migrant and social organizations and employees, technicians, and government officials of the National Directorate of Immigration during the administration of Cristina Fernández de Kirchner (2007-2015) and Mauricio Macri (2015-2019). In all cases, the interviewee selection criteria were based on the formal link or experiences related to the policies or practices under study. In order to reconstruct specific processes and events, it was necessary to use bibliographic, newspaper, and audiovisual documentary sources of various kinds: journalistic notes, working papers and yearbooks of civil organizations, statements by groups or networks of organizations, institutional statements, official press releases, national regulations,



³ This statement does not intend to ignore research carried out at that time, which addressed the issue of deportations in the recent Argentinian context. The dissertation of García (2013), for example, on the new migration policy in Argentina, is worthy of note.

verbal testimonies, and public discussions. I also used his archive built during the last seven years, which gathers newspaper material and official documents linked with migration and border control and detentions and deportations in various South American countries.

The "Politics of Hostility"

A politics of hostility condenses multiple practices and representations of actors whose actions bring about the criminalization and securitization of migration and borders. These are openly hostile actions, originating from government and media sectors that have produced collective states of unease, fear, and dread among migrants. Some national groups are often exposed or affected by individual narratives, initiatives, or measures that associate migration with criminality or delinquency. A politics of hostility is imbued with a spectacularization of migration and border control⁴ to capture public attention through the dissemination of statements and images related to the strengthening of border control, the hardening of migration policy, the fight against "irregular migration", the intensification of administrative and police controls in various social spaces, and the detention and deportation of "criminal aliens". Simultaneously, a politics of hostility sheds light on a series of political decisions and administrative and legislative measures, which have received greater or lesser public attention, making the daily lives of various sectors or groups of the migrant population more precarious or difficult.

In the current context, two government measures are examples of this politics of hostility: first, the announcement of the creation of a detention center and, a few months later, the signing of the Necessity and Urgency Decree (Spanish: Decreto de Necesidad de Urgencia, DNU) No. 70, which modified Migration Law No. 25.871 and introduced a substantial change to Citizenship Law No. 346. Organized migrant activists challenged both of these measures, as illustrated later in this article, particularly activists from organizations with a long history of promoting and defending migrants' rights in Argentina and those concerning new spaces and networks of migrant and social organizations. It is necessary to understand these two measures as part of a broader process of producing hostility toward migrants: exponential increase of controls on permanence; institutional persecution and violence toward migrant street vendors; bills aimed at restricting access to health and higher education; increase in deportations and deportation orders; information campaigns against "irregular migration" on social networks; creation of a digital application for the security forces to control "irregularity;" exponential increase of migration rates; temporary extension of the requirement for criminal records; and



⁴ The notion of the "spectacularization" is used here following De Genova (2013), who speaks of "spectacles of migrant 'illegality'". These "spectacles" confer visibility on migrant "illegality".

implementation of a remote electronic system for residence procedures that caused enormous difficulties and delays for migrants.

A politics of hostility involves much more than hostile actions or episodes of hostility against migrants in a particular social context. It recognizes a heterogeneity of practices that combine historical constructions about migrants as illegitimate presence, anomaly, or *exteriority* (Sayad, 2008), associated with illegality, deportability, dangerousness, or criminality with new narratives about security and protection. A politics of hostility supposes a twofold movement as a product of migration and border criminalization and securitization processes. On the one hand, it makes out specific individuals or groups to be a threat, danger, or risk. On the other hand, it seeks to provide protection or security to the rest of society or those established as victims. The figure of the delinquent or criminal foreigner as a deportable subject is intrinsic to the politics of hostility produced in recent years. It is mobilized as a way of disciplining all migrants. Here, as indicated by Basok (2019), the DNU can be interpreted as a disciplinary technique directed at deterring or preventing, under threat of detention and deportation, participating in protests, resisting the authorities, or engaging in informal or illegal economic activities.

A decade after the Migration Law's approval, the association between migration, crime, and security was reestablished as the dominant representation through the "criminal alien". In 2014, the deportation of foreigners and the control of migration, in a pre-electoral context marked by the discussion on "public safety", became relevant in the public debate once more. The Secretary of Security, Sergio Berni, appeared in front of the cameras in several episodes in which migrants or foreigners were accused of being criminals, demanding their deportation. Many other leaders of different political parties expressed themselves in the same vein. In the context of the reform of the National Code of Criminal Procedure (NCCP), the presidential announcement established a direct link between foreigners and crime, in addition to justifying the modification of one of the articles based on the "protection that we Argentinians deserve". The Center for Legal and Social Studies (Spanish: Centro de Estudios Legales y Sociales, CELS), one of the human rights organizations with the most significant influence on migration policies, undertook various actions that questioned the introduction of the "expulsion of foreigners" in the bill and advocated eliminating the article in question⁵. In this context, some concerns and fears about their precarious immigration status and their deportability began to emerge among migrant families in working-class neighborhoods. With the NCCP reform project already started in congress, the Secretary of Security once again made statements about "foreign criminals" and the need to deport them from the country. In these circumstances, the National Director of Immigration, Martín Arias Duval, distanced himself from the Secretary of Security statements and the presidential position in the context of the reform of the NCCP. However, a few weeks later, the National Directorate of Immigration (NDI) approved one of the



⁵ CELS presents in detail its arguments against Article 35 of the document "Proposals and observations on the reform of the *National Code of Criminal Procedure*" (November 2014).

measures that generated the most unrest among migrant and social organizations: the procedure in case of justified suspicion in the tourist subcategory, a figure better known as the "false tourist", whose background goes back to the 1980s⁶.

These crossovers between national officials demonstrate that a politics of hostility can also be a product of the struggles between competing government sectors to monopolize migration control. This competition feeds the securitization process of migration. At times it is possible to notice that some institutional activities and certain statements by government officials in the media respond to the interests and strategies they deploy in the face of the confrontations they maintain to develop their political projects or survive bureaucratic restructuring. Thus, the "false tourist" procedure in 2014 was part of the disputes between the NDI, as an agency of the Ministry of Interior, and the Ministry of Security. The differences between the National Director of the NDI, Martín Arias Duval, and the Secretary of Security, Sergio Berni, were because of this situation. The disputes between these two government sectors reoccurred, with different connotations, in the following administration. The initiative to create the detention center, which existed before the new leadership of the NDI, was part of the struggle to transfer the NDI to the Ministry of Security. For a long time, there were multiple rumors about the transfer of this agency to the security sector. In the end, this never materialized. According to some interviews with key actors, the DNU, which was created within the NDI, contributed to keeping the agency in charge of migration within the sphere of the Ministry of Interior. These battles were part of the securitization process of migration during the administration of Mauricio Macri.

Finally, although the figure of the criminal foreigner is central to the production of a politics of hostility, for its legitimization, it requires a counterpart: a politics of selective hospitality. As demonstrated by the recent experience of several South American countries, narratives justifying control do not just exploit the migrant or foreign figure as a criminal or delinquent but *simultaneously* work on the division between desirable and undesirable migrants. The presence of the "good migrant" is celebrated and the arrival of the "criminal foreigner" is rejected at the same time that, in a nationalist key, the opening or the closing of the "doors" to the country is postulated for those who would come to produce, work, or study in contrast to those who would arrive to commit crimes. Thus, official bodies propose residence facilities for the former and detention, deportation, or border rejection for the latter. This aspect became evident in the current Argentinian context with the high visibility that Senegalese, Haitian, and Venezuelan migration acquired. On the one hand, Senegalese street vendors have been subjected to various criminalization practices, persecution, and police violence in different urban contexts. On the other hand, the more significant influx of Haitian nationals in the leading international airports of Argentina generated a great deal of



⁶ By applying this procedure, the migration control agents decide on the admission of a foreigner suspected of intending to enter or remain in the national territory or to obtain a "tourist" visa, without the "real intention" of carrying out a "rest" or "leisure" activity. In the case of "justified suspicion", the inspector must notify the supervisor, who will decide on the "rejection of the foreigner". In the case of rejection, "redirection", as it is known in administrative jargon, takes place. For an analysis of the figure of the "false tourist" in Argentina, see Alvites Baiadera (2018).

speculation among migration authorities about their possible intentions and behaviors. This suspicion at the migration control posts at the airports translated into a systematic practice of selectivity: in a few months, there was an exponential increase in rejections at the border based on the category of "false tourists". At the same time, Venezuelan nationals arriving in Argentina were favored by "humanitarian" measures.

Detention

In August 2016, the NDI communicated through its website that it had signed an agreement with the National Ministry of Security and the Ministry of Justice and Security of the city of Buenos Aires to avail of a building destined for "people detained for infractions of the Migration Law". It was a statement "against migration irregularity", and it announced the upcoming opening of a detention center for migrants with a deportation order. This measure was in line with the punitive and police vision of migration that the statements of government officials and the intensification of daily control practices had demonstrated in previous months. Nevertheless, this official vision did not respond only to a particular conception about migration regulation but also involved struggles between different State agencies that explained, in part, one of the dimensions of the securitization process of migration in the Argentinian context. Thus, the Ministry of Security expressed a particular interest in extending its sphere of intervention and taking over migration affairs. Furthermore, according to some testimonies gathered in formal and informal exchanges with NDI officials, the idea of creating the detention center had circulated in the last years of the previous administration; however, it was discarded in the end⁷. In its argumentative strategy, based on the confrontation with organizations that defend the rights of migrants, the NDI also used in its favor the recommendations made by civil organizations about places of detention in the alternative report presented in previous years before the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families8.

However, through the agreement, not only was the property handed over, but the security forces would also be in charge of the daily administration of the detention center. Specifically, under the Ministry of Security as Auxiliary Immigration Police, the Federal Police would be responsible for "the guard, custody, and security of detained foreigners", in addition to dealing with transfers. Based on the criticism and pressured received, the securitization strategy turned toward the humanitarian: The Red Cross



⁷ The formal interview took place in October 2016 in the city of Buenos Aires, together with Janneth Clavijo.

⁸ Alternative report for the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families. 15th session. Evaluation on Argentina, cELS/Caref/UNLA, 2011. In this document, one of the issues noted was that the was no "structure" in the country that could "be used by the migration authority and judges who issue detention orders, in accordance with the mandates established in the law and the regulations".

would assume the functions initially intended for the Federal Police. The appearance of this international organization in the field of humanitarianism on the national scale was evidence of the transnational dimension of the migration and border control processes. Thus, the project of creating a "detention center" expresses the local materialization of a global expansion process of detention as an unprecedented way of governing migration (De Genova, 2016), which institutes new spatialities and temporalities of migration and border control. In some countries such as Australia, the Red Cross has been in charge of monitoring migrant detention centers, under "humanitarian" precepts, for more than twenty years. In an interview with an NDI official in 2018, one of the arguments with which he tried to support the opening of the detention center and minimize its punitive connotation pointed at the role of the Red Cross and its humanitarian character as a guarantee of protection for the detainees⁹.

A detention center is a centerpiece in producing a politics of deportation since it makes official the practices of detention and expulsion from the national territory. Due to its material and symbolic implications, the agreement between the NDI, the National Ministry of Security, and the Ministry of Justice and Security of the city of Buenos Aires as an act of institution (Bourdieu, 1999a) of detention was a crucial element in the reconfiguration process of the control regime of migrant "illegality" in current times. "Irregular migrants", who as non-nationals are intrinsically deportable, also become detainable subjects, deprived of "ambulatory freedom", which creates a new spatialities of control. This confinement also acquires a particular temporality: this is a detention, as the agreement says, "for the reasonable and necessary time to fulfill the purposes and scope set by the migration authority". In the migration control sphere, the practice of detention demonstrates the most evident relationship with time: waiting (Griffiths et al., 2013). In the case of administrative detention, the migration authority exercises its power by depriving people of their mobility and making them wait, using their time: the prolonged waiting for deportation means not being in-time with others (Khosravi, 2014)¹⁰. Therefore, seen from state power, waiting is a delay, a multi-use practice of controlling people's movement. Detention stops being exceptional to become routine, mundane, even inevitable (De Genova, 2016). Although the concept of detention is concomitant to any act of deportation, in a space destined specifically for "irregular" migrants as "detainees", through its daily use it produces a new spatialities of control that reaffirms illegalization, gives a material form to the "irregular" migrant, and the deprivation of ambulatory freedom becomes proof of his/her social dangerousness.

The official announcement also reactivated the circles of migrant activism. A week after the announcement of the NDI, the organizations for the defese of migrants'



⁹ This interview was held in the office of a regional delegate of the NDI in August 2018.

¹⁰ In this brief text, Khosravi reflects on the meaning of waiting for "undocumented" migrants, asylum seekers, and other displaced people. On this occasion he makes use of the analysis by Bourdieu (1999b) about time in his book *Pascalian Meditations*.

human rights had already spoken out against the creation of the detention center¹¹. In general, explicitly or implicitly, they opposed or rejected its creation and demanded respect for migrants' human rights. The reasons were based on the linking of migration and crime, the treatment of migration as a "security problem", and the violation of migrants' human rights. They also demanded regularization as an urgent response to "irregularity" and vigorously defended the *Migration Law* and the national migration policies' human rights approach. Among the announcements, one of them invoked the most effective slogan at the international level in the fight against the criminalization of migration: "No human being is illegal". In the course of the week, an international human rights organization also appeared, which until then had not been present in the disputes over the political definition of migration in Argentina: Amnesty International expressed its concern and stated its opposition to the use of detention as "a form of punishment or deterrence" (Amnistía Internacional, 2016, August 26).

In this conflict between the government and social organizations, the project to create a detention center came into prominence and became a "controversy:" On the same day that several organizations demonstrated against the detention center, the most widely circulated press in the country dedicated some articles to the issue. In one of the national newspapers, an article entitled "A prison for foreigners" read: "Beyond euphemisms, it will be the first prison for migrants in the country" (Abrevaya, 2016, August 2016). In the following days, the national subdirector of the NDI responded through a statement entitled "False controversy about supposed 'prison' for immigrants". It sought to disprove that the government would criminalize migration by creating a detention center and argued against the appellation of "prison". Over the following months, the struggle of the organizations against the center incorporated the notion of "prison" to symbolize xenophobia and state violence against migrants. In retrospect, the NDI official intended to discuss a political claim on a technical level beyond legal clarifications and technicalities. In their argument in favor of the center, they appealed to the notion of "protection", a common resource for legitimizing security practices: The center was supposedly designed to "provide greater protection and comfort" to detained foreigners "during the time it took for their departure to their place of origin".¹² Numerous social organizations did not take long in questioning these statements and were intransigent about the initiative. In those days, "academics, activists, and migrants" who identified with the defense of migrant rights launched a campaign against the detention center and promoted the signing of a petition entitled "No to the creation of detention centers for migrants in Argentina". Since its announcement in 2016, the detention center has never been inaugurated.



¹¹ In the days following the announcement, the program on Immigration and Asylum of the Universidad Nacional de Lanús (UNLA), CELS, Argentinian Commission for Refugees and Migrants (Spanish: *Comisión Argentina para Refugiados y Migrantes*, CAREF), Office of the Ombudsman of the City of Buenos Aires, Amnesty International, and Andhes spoke out.

¹² National Directorate of Migration (2016, August 29). False controversy on supposed "prison" for migrants. Buenos Aires.

Deportation

During 2016, several announcements promised a tightening of migration policy. The initiative to create a detention center in the city of Buenos Aires had already alerted migrant rights organizations to the punitive character of the upcoming state measures. However, the responses of the NDI officials to the various consultations they made through formal and informal channels regarding the modification of the Migration Law did not seem to augur a measure that would reinforce the punitive and coercive aspects of the law. The Executive directly denied that there was a project to repeal or modify it. In various spaces and meetings of migrant activism, this possibility was frequently addressed. The law reform was drawn up in absolute secrecy. In January 2017, the national government issued a DNU, citing a critical security situation. As stated by Basok (2019), the notion of "crisis" was mobilized to justify an exceptional measure that would supposedly alleviate the current situation. The DNU modified the migration law under fallacious arguments that sought to show the close relationship between migration and "organized crime" to justify the strengthening of the detention and deportation procedures. The DNU was the most significant act of the politics of deportation taking shape, and it hegemonized the symbolization of the criminalization of migration¹³. Over time, this measure led to an increase in deportations. However, above all, it (re)activated deportability among various migrant groups by multiplying deportation orders and different daily control practices. Like the agreement to create the detention center, the DNU was an act of officialization of a regular state action, which due to the criticisms, tensions, or conflicts it can trigger, is often hidden. Unlike the limited impact of some control measures that go mostly unnoticed because they operate in the field of humanitarianism or electronic surveillance, the explicit violence of detention and deportation subjects governments to the scrutiny of local and international actors and can occasionally lead to collective mobilizations.

In the context of a politics of hostility, with the initiative to create the detention center in 2016 and DNU No. 70 in 2017, struggles were reactivated, and migrant activism spaces reorganized. The cancellation of the DNU became the pivotal point of the migrant struggles during the following two years, which reactivated the memory of the collective struggles based on mobilizations in support of migrants as understood by Tazzioli (2020): the temporality of solidarity. The fight against the DNU meant that migrant rights organizations recovered the practical knowledge acquired over the years, developed different advocacy strategies, activated their national and international networks, established alliances with new actors, and formed new work and discussion



¹³ Although this section focuses on the concept of deportation, it is necessary to mention that DNU No. 70 modified the requirements for access to Argentinian nationality by excluding the possibility that the required years of residency be considered regardless of the administrative situation of the applicant. The DNU now states that foreigners must prove their residence as "permanent residents" or "temporary residents". This modification is a clear manifestation of the reconfiguration of the control regime of migrant "illegality".

spaces. In this context, based on a specific deportation measure, there emerged the most representative figure of the campaign for the repeal of the DNU, which gained many followers: Vanessa Gómez Cueva, a Peruvian woman who had been living in Argentina for more than 15 years, who in early 2019 was deported with her baby and separated from her other two young children as a result of a criminal case for which she had served her sentence in 2014¹⁴. Her removal from national territory became a symbol of the regressive policy of the national government regarding the human rights of migrants that the organizations sought to denounce. Somehow, it was to be expected that, in an openly hostile context toward migrants, in which deportation was included as a demonstration of the State's sovereign power, an emblematic figure would be produced. These emblematic figures illuminate the tension between the practices of control and those of opposition: they are the product of the conflicts and confrontations between political or security professionals and activists from social organizations. Moreover, in the heterogeneous universe of migrant activism, these figures produce cohesion beyond the differences and disagreements about the means of struggle.

In Argentina, the politics of hostility of the 1990s also had a representative figure: Juan Carlos de la Torre, a Uruguayan citizen who was summarily deported after living 22 years in Argentina. At that time, in a context of open criminalization of migration from neighboring countries, the practices of persecution, detention, and deportation were also justified as part of the fight against "illegal migration". The case of Juan Carlos de la Torre was one of the most important lawsuits in the history of CELS. In a context of institutional reconversion and professionalization of legal work, litigation before international bodies became an effective internationalization strategy to influence national migration policies. In 1999, CELS presented a petition on his behalf before the Inter-American Commission on Human Rights (IACHR). In addition to other international actions, the claim and the amicable settlement reached before the IACHR were part of the strategy in the fight for the repeal of the migration law passed during the last military dictatorship (CELS, 2008, 2013). Given that the amicable settlement reached shortly after the new law's approval, the Argentinian State committed itself to protect migrants' rights more broadly. This case also became a fundamental precedent for future international claims.

The gradual diversification of the field of migrant activism condenses multiple spatialities and temporalities of migrant struggles in Argentina. In the "struggles for rights" (Caggiano, 2011), particularly at times of open hostility toward migrants from official bodies, organizations of different types carried out specific actions and invented spaces that did not last for long: whether because they fulfilled their purpose,



¹⁴ An important aspect of the case of Vanessa Gómez Cueva, which cannot be gone into here due to lack of space, concerns the political effectiveness of the campaign based on her status as a woman and a mother. Her case and the arguments used against her deportation provide various elements for the discussion of the legitimization and normalization of deportation based on the division between those who deserve or do not deserve such punishment (Cfr. Lecadet, 2018; Walters, 2018a).

did not have the necessary funding or participation to sustain them, they merged with other initiatives, or conflicts of interests and views affected their viability. Other collective organization experiences gave rise to spaces and links relatively stable over time and favored the development of advocacy strategies at the local and international levels. Since the DNU was issued in early 2017, there has been a reorganization in the universe of migrant activism, with important agreements and convergences between organizations of diverse types, beyond the expected differences and disputes in collective construction spaces. Some social organizations carried out various actions of encounter, mobilization, and street protest as part of a campaign called "Migration is not a crime", with the slogan "Migration is a right"¹⁵. On the other hand, with the slogan of "coordinated activism", as CELS calls it, human rights organizations, civil associations, migrant organizations, and research centers at public universities established new alliances. In turn, some of the migrant rights organizations, such as CELS and Caref, called on their extensive experience and expertise in fighting for the repeal of the DNU. In addition to bringing the matter to the national courts, their fight against the DNU included an internationalization strategy that had already been effective in the past. On other occasions, CELS and Caref, together with other national and international organizations, had already turned to bodies of the inter-American human rights system and the United Nations' system to influence local policy.

Based on the experience of CELS in international litigation, the organizations sought the intervention of the IACHR to involve and exercise pressure on the Argentinian government. At the request of a group of organizations, the IACHR summoned the Argentinian State to a hearing regarding the changes introduced to the migration law by the DNU. At the hearing, the representatives of the four organizations presented their arguments against the DNU and requested its annulment. The Argentinian State officials sought to justify the measure with a harmonizing notion of the relationship between control and human rights. For their part, the IACHR commissioners expressed their "extreme concern" about the regression of the Argentinian migration policy in protecting migrant rights. Later, a larger group of organizations made a presentation to the IACHR in which they reported the deportations that the Argentinian State was carrying out, among other issues. Beyond deportation statistics and legal arguments, among so many other issues not considered in the deportation decisions, there is one that is fundamental for those who experience it: the removal of time lived or what Khosravi (2018) calls "stolen time". Vanessa Gómez Cueva had lived more than 15 years in the country before her deportation. Khosravi intentionally uses the notion of *stealing* to highlight the fact that migrants are deprived of the time they have *saved*, spent, and invested. In this way, he intends to repoliticize "the concepts of borders and deportations that have been naturalized and depoliticized by the ideology of the nation state" (Khosravi, 2018, p. 41). The campaign against her deportation was effective



¹⁵ See Rho (2020) on the new configurations of migrant struggles in Argentina between the years 2016 and 2019.

and made the State return part of the "stolen time" to Vanessa Gómez Cueva: seven months after her deportation, the NDI lifted the re-entry ban based on "exceptional humanitarian reasons" so that she could return to Argentina¹⁶.

As has happened in other national contexts where the migration issue has been involved in securitization processes, the DNU represented the blurring of the line between migrant law and criminal law in Argentina. This phenomenon, known as crimmigration (Stumpf, 2006), has been analyzed in some South American countries such as Chile (Brandariz et al., 2018). In Argentina, some recent publications have analyzed the changes in national migration policy carried out by the political coalition of the "new right" led by President Macri. They have also analyzed thoroughly and in detail the context of the creation of the DNU, the modifications it introduced to the *Migration Law*, and its implications for migrant rights (Canelo et al., 2018; CELS, 2017; García & Nejamkis, 2018; Monclús Masó, 2017; Penchaszadeh & García, 2018). These works demonstrate that the duration of the administrative and legal processes was a central aspect of the reform carried out. The modifications made eloquently indicate the transformation that the temporalities of the migration and border control regimes are experiencing. Thus, the DNU is an expression of the importance that time, and time management have on the exercise of state control over migration and borders. At the same time, it sheds light on the struggles among various actors over the definition of its temporal dimension. The specificity of the temporality of deportation comes from the combination between the infinite prolongation in time of the deportation order due to its lack of an expiration date and the disputes about the possibilities of limiting or extending the time limits of the procedure. The discussion about time and the temporalities of migration and border control has received substantial theoretical contributions in recent critical literature (Griffiths et al., 2013; Mezzadra & Neilson, 2017; Tazzioli, 2018). For the analysis of the temporality of control, the difference established by Tazzioli (2018) between time as an object of mechanisms of control ("control over time") and time as a means and technology for managing migration ("control *through* time") is productive for the analysis of the specificities of the DNU.

The question of time is a central aspect of migration control and the carrying out of deportations. According to Tazzioli (2018), it is about control *over* time. The DNU refers to the duration and deadlines of the administrative procedures and legal proceedings on migration issues, which would be too long and would not adjust to a criterion of reasonability. According to the migration authority, the excessive length of time of "a complex recursive procedure" would have brought to the national state "severe difficulties in enforcing expulsion orders issued against people of foreign nationality". Consequently, the DNU seeks to establish a shortening of time, a reduction of deadlines through the implementation of a "special migratory procedure of a summary character" for foreigners who have been part of criminal acts and have entered "in a clandestine manner into the national territory, eluding migration control". Similarly, it seeks to increase the duration of the detainment procedure and reduce the time of



¹⁶ National Directorate of Migration (2019, August 30). Provision No. 3.767. Buenos Aires.

the recursive channels to make the administrative procedure "faster", that is, increase the *tempo*. In short, the DNU seeks to regulate the temporality of the act of deportation by compressing the duration of the procedure and the time limits set for the defense, increasing the speed of the whole deportation process. Reducing the time of the recursive channels to a minimum and increasing the time of detainment reveal with greater starkness the arbitrariness and the violence of this state act.

The indication in the DNU about the difficulties that the national migration authorities have in enforcing deportations is an indicator of the struggles being waged in the field of migration control and, in particular, in the realm of the judiciary. These "severe difficulties" result from a historical antagonism instituted through different conflicts between various state actors. In Argentina, since 2010, the Migration Law's regulatory decree has entrusted the Public Ministry of Defense with the legal representation of migrants in the case of denial of entry or expulsion from the national territory. With the modification introduced by DNU No. 70, the migration law would guarantee free assistance in administrative procedures, but it must be expressly requested. In September 2018, I held a meeting with two professionals from the Public Ministry of Defense. There, one of the defense attorneys made a statement that made it possible to begin to see that the DNU viewed cases through the prism of time: through what they call "interposition of resources", migrants "gain time". Extending time by filing appeals is part of the strategy of defense attorneys. The passing of time has legal effects, modifying legal relationships. Time is a valuable asset, and its accumulation can change the defended migrants' situation to benefit from it. Thus, a struggle is established for the control of time, which defines the temporalities of deportation in different contexts and situations: migrant authorities invent measures to shorten the time of the deportation procedure, seeking to influence the time limits of the recursive channels, while defense attorneys generate strategies to lengthen it. The recurrent visits by NDI officials to judges and prosecutors to influence their decisions make sense in the context of these disputes.

Border Rejection

In 2013, after the celebration of Migrant Day at the central plaza of the city of Córdoba, I went to lunch at a Peruvian restaurant on the invitation of the president of the Union of Migrant Communities of Córdoba (Spanish: *Unión de Colectividades de Inmigrantes de Córdoba*, UCIC). Here, I met a young Colombian man who was in Córdoba to study and work. During the conversation, I remembered some Colombian nationals rejected at the frontier when trying to enter Argentina and asked him if he knew of any. He spoke of his border crossing from Peru to Chile. Along the way, he spent a few days in Arica, where a friend lived who worked in an NGO (non-governmental organization)



that assisted migrants and had spoken with some of them. He explained that it was necessary to have a residence in the country to enter with no problems. Without documentation that certified residence in Argentina, entry presented more significant difficulties since the control was then stricter. As an alternative, some chose to enter Argentina through Bolivia because they were less likely to be rejected at the border.

In May 2014, I met one of the principal figures of the Haitian community in Córdoba. It had been three years since he had arrived in the city. In our first meeting, he spoke of the difficulties Haitian nationals faced to enter and reside in Argentina. He explained that they did not need a visa to enter, but they were still "returned", that they "returned" several Haitian men and women every week. In the case of his brother, who had arrived in Córdoba just a few days before, they kept him apart and interrogated him for four hours at Ezeiza. Although he had missed his flight, he could continue that same day to Córdoba. Soon after, I met an NDI advisor and asked him about the border rejections. Some episodes with Haitian nationals at the frontier with Bolivia and Colombian nationals at the frontier with Chile had come to light. He explained that they were orders "from above", referencing both the Ministry of Interior and the Presidency. At the end of 2014, I met in Brasilia with a migration policy specialist, with whom I had maintained a bond of trust for several years. Among other issues, we spoke about the border rejections at the airport in Quito. Employees and migrant officials had told him that they handled "migration profiles" to detect "false tourists" at the border control points. They used a series of criteria based on specific characteristics of the foreigners that they learned through "instruction courses". Haitian nationals were the most affected by this type of control by border agents. After a while, when in 2018, the rejections at the airport in Córdoba became recurrent, these isolated conversations and exchanges began to take on other meanings and another dimension. Those rejections occurring at Argentina's land and air borders reflected recent transformations in the South American migration and border regime¹⁷.

Border closures, stranded migrants, detentions, deportations, border rejections, humanitarian visas, and protests in public spaces became frequent manifestations of the changes that South American migration and border control policies were experiencing. The various border conflicts that arose from the incursion of new movements and border crossings associated with "irregularity" were represented by national and international bureaucracies as "migration crises" within the framework of action and thought schemes associated with the "governance" of migration flows. In a few years, "extra-regional" migration convulsed the scene of cross-border mobilities and became a major political issue. Since the early 2010s, the turbulence generated by migration from various Asian and African countries and the Caribbean —particularly Haiti and Cuba—, has disrupted the institutional arrangements of the South American migration authorities of different national governments during previous years, quickly became a matter of regional interest when they began to notice their expansion and "irregular" character.



¹⁷ See Domenech (2019) on the South American migration and border regime.

The expansion of "extra-regional migration" in the South American region as a new and recent phenomenon gave rise to various struggles for a movement that involved Caribbean and African migrants as illegalized and racialized subjects. The dispersion of Haitian migrants in the region increased considerably after the entry into force of the visa exemption in Ecuador in 2008, the earthquake in Haiti in 2010, and the changes in the admission policy of French Guiana in 2012. These transformations in the South American region derived from struggles for movement had a fundamental impact on the renewal of the uses and justifications of the consular visa requirement to prevent movement from the places of origin and to decrease the arrival of Haitian, Senegalese, and Dominican migrants, among other "extra-regionals". In this context, in 2018, after a period that saw an enormous amount of rejections at international airports, the governments of Chile and Argentina began to demand, almost simultaneously, a consular visa for Haitian citizens under the pretext of a humanitarian narrative of protection for the migrant population (Cfr. Trabalón, 2018). Similarly, in Chile, as a complementary measure to the consular visa, the national government organized, with the support of the International Organization for Migration (IOM), a "humanitarian plan of orderly return" aimed explicitly at illegalized Haitian migrants (Cfr. Stang et al., 2020). This action was justified by "the national interest of providing the country with an orderly, safe, and regular migration" from "a global perspective of migration governance". In Argentina, Haitians' consular visa requirement was established a year and a half after the NDI initiated a migration regularization process "for humanitarian reasons" aimed explicitly at Haitian nationality citizens for six months¹⁸. The sequence reveals the changing and contingent character of control in the face of movement: regularization, border rejections, and visa imposition. Going by the statements made by officials in the press, it is possible to notice the recurrence of the notions of "protection" and "prevention" in the means of legitimizing security measures —the visa application process is intended to protect them from becoming victims of human trafficking and smuggling, and to prevent possible crimes.

The reasons that migration authorities provided for imposing a visa were the "increase in passenger flow" from Haiti and the increasing rejections based on the concept of the "false tourist"¹⁹. On the day of the official announcement of the measure, several media outlets published absolute and relative figures on the entries and rejections of Haitian nationals during the previous years and estimates for 2018 that would support the official argument. However, it is not necessarily the absolute quantity of one nationality or its proportion concerning other nationalities that determines the activation or deactivation of certain control practices. Instead, it is



¹⁸ National Directorate of Migration (2017, March 20). Provision No. 1.143. Buenos Aires.

¹⁹ On August 21, several articles were published in national and regional newspapers that referred to the "increase in the flow" of Haitian passengers or migrants. See, for example, "Tourist visa will be required for Haitians who want to enter the country", *Clarín*, August 21, 2018; "The government imposes a tourist visa for Haitians who want to enter the country in order to regulate the entry of migrants", *La Nación*, August 21, 2018.

the accumulated volume of certain nationalities in a limited space-time interval. In these cases, the rejections are related to the speed of people's movement, expressed in the daily, weekly, or monthly growth rate. What counts is not the annual statistics the NDI produces but the daily register handled by inspectors, supervisors, and heads of regional offices. In turn, the logic of control receives feedback and leads to the intervention of agents from various spheres of the State: those in charge of verifying the documentation and identification of persons generate "rejections", and then that accumulation of rejections serves as the basis for higher authorities to resolve visa imposition "inwards" and negotiate it "outwards" with the diplomatic counterpart. The accumulation of "rejections at the border" is not the result of an individual or random practice. It is not only an increase in the "flow of passengers", but of travelers with certain pre-established national origins viewed as suspicious or subject to criminalization and racialization processes that are concomitant with the border control regimes. In May 2018, a memorandum from the NDI required staff to "take extreme care with the entry of Haitian nationals and any other sensitive nationality (Middle Eastern, Colombian, African, among others) to the Republic of Argentina". It established that "a lack of examination or deficient examination" would be considered "major offenses"²⁰. This memorandum confirmed the intensification and selectivity of the migration controls that were already being experienced by Haitian nationals at airports in Argentina.

Airports have become part of detention geographies (Martin & Mitchelson, 2009) and the deportation infrastructure (Walters, 2018b). In Argentina, the country's main airport terminals have adopted biometric technology and adapted their facilities to international recommendations for movement control and surveillance. Innovations in airport security have led to substantial changes to spatial and temporal control practices, which exacerbate the anxieties experienced by travelers who are suspected of being "false tourists". An episode at the airport of the city of Córdoba reveals specific details about how the spatialities and temporalities of control are usually experienced at the time of entry through confinement, waiting, and separation of individuals or groups in a state of total uncertainty. On the night of April 17, 2018, accompanied by Jean, I met with Willy, who had arrived in Córdoba from Haiti around two years before. Willy was a street vendor. He had the temporary residence he had obtained the year before from the migration regularization plan. Ruth, his partner, had just arrived from Haiti with their youngest daughter. Both were on the verge of being rejected at the border. In the end, after waiting several hours, they were able to enter. Nobody could explain the confusing situation they had experienced or what had finally helped authorize their entry.

The Copa Airlines flight had landed around 00:30 hours. They got off the plane and went to the documentation checkpoints. Haitian women and men *—black people*, emphasized Willy— were made to line up separately from the rest. When Ruth went to the checkpoint and presented their passports and the letter of invitation her partner



²⁰ National Directorate of Migration (2018, May 10). Memorandum No. 192. Buenos Aires.

had sent her, the inspector asked her to wait right there. She was then taken aside and taken to a room where her wait was prolonged. Meanwhile, Ruth communicated via WhatsApp with her partner, who was waiting outside with a friend. There were also other Haitians waiting there. Hours passed, and no one informed them of anything. It was a moment filled with anguish, loneliness, and uncertainty. Furthermore, there was no interpreter or inspector who spoke French at the airport. Ruth did not understand Spanish; she spoke Creole and French. Since Willy's friend was better at Spanish, he asked to speak to the inspector on the phone to explain the situation. However, she refused to do so. Later, an airline employee informed Willy that his partner was not being allowed entry due to a (legal) "cause" that he had due to a conflict with a municipal agent on a public thoroughfare while selling merchandise.

After a few hours, Ruth and her daughter were taken upstairs and placed in line for the next flight: it was only then that she learned they were being sent back to Haiti. At one point, an NDI employee came for her and took her and her daughter out of the line. Finally, after more than four hours since their airplane had landed, they were allowed entry. About ten Haitians were not allowed entry and were sent back. During the conversation, I asked Willy how he explained what had happened. He answered, smiling, "It is not my country..." Compared to the time when Willy had entered the country two years before, he and Jean agreed that it had become more difficult to enter now. A friend of Willy's mentioned an acquaintance who had been rejected at the airport the previous Saturday and another who had arrived in Buenos Aires on the day of our meeting. During the meeting, I noticed that they were a bit disconcerted: they wondered what was necessary to enter and pointed out that the requirements were not clear because they were always changing. At times, it seemed that the letter of invitation was enough, and at others, it seemed that a hotel reservation would make it easier for them to gain entry. Willy's friend was waiting for his partner's arrival, who had a ticket for May 19. With the increase in border rejections at the airport, he was afraid she would not be allowed entry. The NDI memorandum notifying inspectors of "sensitive nationalities" such as Haitians was already in circulation.

Final Considerations

Since the approval of the migration law that came into force in early 2004, there has seemed to be certain *objective complicity* between the various actors involved in the control of migration and borders to maintain the universe of detentions, deportations, and rejections at the border on the plane of the unspoken, the invisible, and the exceptional. In addition to the tasks of legitimizing violence carried out by States, the omissions and silence surrounding punitive and coercive state actions indicated an effective work of concealment. Although in those years, specifically in 2014, there were already some indicators of the changes that the field of migration control was experiencing, it was difficult to foresee what was to come. Later, the spectacularization



of migration and border control, whose deployment was linked to the initiative of creating a detention center and the approval of a provision that sought to tighten the restrictive and punitive aspects of the current migration law, prompted the consideration that, in terms of process, this was the configuration of a politics of hostility toward migration. Under this policy, in a regional context that had already demonstrated the intensification of state violence toward migrants for some years, there was a redefinition and a strengthening of the division between "desirable" and "undesirable" migrants, whose most evident manifestation was the figure of the criminal foreigner. This article has tried to demonstrate that this politics of hostility was not the result of the accumulation or sum of hostile actions and attitudes toward migrants, but that it was a specific mode to intervene politically in the field of migration control. While its production is base on the migrant "illegality", the condition ofdeportability, determined by the division between nationals and non-nationals, was differentially and effectively exploited by state and non-state actors. The politics of hostility also created conditions to form new spatialities and temporalities of migration or border control and migrant struggles.

This article aims to contribute to understanding the intensifying process of migration control in the Argentinian context in an abbreviated period at different scales. These changes are attributable to the actions, strategies, and struggles of multiple actors interested in imposing their definition of the things to be done and how they should be done. The Argentinian national experience provides numerous elements to observe the long-term transformation of the control regime of migrant "illegality", the formation of a politics of deportation, and the overlap between securitization practices and humanitarian narratives. These far-reaching processes are intertwined with the forms and justifications that control practices acquire in specific contexts or situations. In the deployment of a politics of hostility, there were moments of the exaltation of punishment or "punitive pride" through the theatricalization of detentions and deportations. On the other hand, the exploration of the space and time relationship makes it possible to notice transformations in the political field of migrations and borders linked with the production of new spatialities and temporalities of control: a detention center destined for "irregular" migrants with a deportation order; specific waiting places for suspicious travelers at airports; dissimilar spatial practices of migrant struggles; measurement of the speed of "migration flows;" disputes over the definition of administrative deadlines and waiting periods; delays and interruptions in the detention and deportation processes. Finally, the changing spatial and temporal character of control demonstrates the need to understand the heterogeneity of migration and border control practices in a articulated and relational manner, based on the stability or instability demonstrated by the measures that seek to facilitate or impede the entry or residential status of one person or others.



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