



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
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Consideration of reports submitted by States parties under article 73 of the Convention

**List of issues to be taken up in connection with the consideration of the
initial report of Argentina (CMW/C/ARG/1 and Corr.1)**

I. General information

1. Please provide updated information, and in particular disaggregated statistics, on the volume and nature of migratory flows within and from Argentine territory during the period between the entry into force of the Convention for the State party (1 June 2007) and the present.
2. Please provide the Committee with information on the measures under way to disseminate both nationally and provincially Act No. 25871 on migration (paragraphs 42, 43 and 50–58 of the report). What measures is the State party taking to adapt national and provincial legislation and bring it into line with this Act? What mechanism is there to ensure coordination between the national and provincial Governments to achieve this? What progress has been achieved regarding the adoption of new regulations for the Act on migration (paragraph 180 of the report)?
3. Please provide further information on whether any specific government policies and legislative measures have been implemented to ensure compliance with the Convention and how such policies are monitored. Please also indicate whether there is a body through which civil society may participate to draw up and monitor government policies that may relate to the migrant population.
4. Please indicate whether non-governmental organizations (NGOs) were consulted during the preparation of the State party's report, and if so, in what way.
5. Please indicate what efforts have been made by the State party to disseminate the Convention in Argentina.
6. Please inform the Committee whether the State party intends to make the declaration provided for in articles 76 and 77 of the Convention.

7. Please inform the Committee whether the position of Ombudsman (paragraphs 38 of the report and 60 of the core document [HRI/CORE/1/Add.74]) is still vacant and if so, please explain why. Please also indicate whether the mandate of the Ombudsman covers protection of the rights of migrant workers and their families.

8. Please indicate whether the State party intends to accede to International Labour Organization (ILO) Convention No. 97 concerning Migration for Employment (Revised 1949) and to ILO Convention No. 143 concerning Migrant Workers (Supplementary Provisions) of 1975.

9. Please indicate whether during migration seasons shelters are available for migrants who arrive without regular documents, in order to enable them to stay long enough to resolve the problems relating to their return to their country of origin.

II. Information relating to each of the articles of the Convention

A. General principles

10. Please provide information on whether the Convention was invoked before the courts between 2007 and 2010.

11. Please provide information on any cases of racial discrimination and xenophobia against migrants which have been investigated by the National Institute against Discrimination, Xenophobia and Racism (INADI; paragraphs 16–24 of the report), the Ombudsman or the courts, together with information on the outcome of investigations carried out between 2007 and 2010. Please also indicate in how many cases it was found that rights had been violated and what reparations were decided in that respect.

B. Part III of the Convention

Articles 16 and 17

12. Please indicate whether there are appropriate places of detention for migrants ensuring that they are separated from convicted persons and persons held for ordinary crimes and that their family situation is taken into consideration, in conformity with decree 616/2010, article 72. What are the rights of a migrant when he or she is “detained”? Are there any appropriate centres for holding migrant workers in an irregular situation, and if so, what conditions prevail in those centres?

Article 22

13. Please provide information, broken down by nationality, sex and age, on migrant workers and their families who were deported from Argentine territory between 2007 and 2010.

14. How are the rights recognized in articles 18 and 22 of the Convention guaranteed for migrant workers and their families in the event that they are deported? Please inform the Committee whether, if the authorities decide to carry out expulsions, there is any possibility of administrative or judicial review of such decisions.

15. Please explain why the State party does not apply article 61 of the Act on migration to persons who are unable to provide documentary evidence of their entry into the country, thereby depriving them of the right to be heard and of a deadline within which to regularize their migratory status before the expulsion order is issued. On what grounds does the State party consent to waive the need for persons to present an entry certificate when they apply

for legal residence, and under what circumstances? What mechanism is there at the border to provide information on the need to keep the entry certificate in order to be able to obtain legal residence? What other evidence is acceptable as proof of entry into the country?

16. How are the rights of migrant children to family life and their right not to be separated from their parents guaranteed when they are detained on account of the expulsion of their parents?

Article 23

17. In addition to the information provided in paragraph 168 of the initial report, please provide further information on the effectiveness of Argentine consular services in protecting Argentine migrant workers abroad, especially those deprived of their liberty. Are those deprived of liberty visited regularly? Is legal assistance provided, including in cases of deportation?

Article 25

18. Please indicate whether the rights referred to in paragraphs 183–184 of the report are granted to migrants in an irregular situation on the same basis as to those in a regular situation.

19. Please provide information on the situation of undocumented female migrants and in particular those employed in domestic service. Please also indicate the number of unaccompanied minors or minors separated from their parents present in Argentina.

Article 27

20. Please indicate whether the State party plans to eliminate the nationality and minimum three-year residency requirements from its legislation in respect of family allowances (“Universal child allowance”), in conformity with article 8 of the Act on migration.

21. Please supply further information regarding the access of migrants to social security schemes. What legislative or regulatory measures has the State party adopted or does it intend to adopt to do away with the minimum residence period requirement, especially for persons in socially vulnerable situations, such as old-age pensions, disability benefits and pensions for mothers with seven or more children.

Articles 28 and 30

22. In the light of articles 28 and 30, please explain what is being done to address the fact that in some provinces the national identity document (DNI) is required for migrant workers and their families including migrant children in an irregular situation, to gain access to educational and health facilities. What training is being provided in those provinces regarding the relevant contents of the Act on migration for civil servants in the health and education sectors and in the police?

C. Part IV of the Convention

Article 36

23. Please explain whether migrant workers from countries outside Brazil, Paraguay, Uruguay, the Plurinational State of Bolivia and Chile, who possess documentation or who are in a regular situation, are also entitled to the rights referred to in paragraph 73 of the initial report and recognized under articles 43, 44, 45 and 47 of the Convention.

Article 37

24. Please inform the Committee of what measures have been taken to provide guidance for Argentine migrant workers who intend to engage in, are engaged in or have engaged in salaried work abroad regarding the conditions that apply to their entry and residence and to the salaried activities they may engage in. Please also indicate whether those workers are informed about the requirements they must meet in the State in which they are employed and the authorities to which they need to apply for a modification of such conditions (paragraph 240 (e) of the report).

Article 41

25. Please inform the Committee whether there is a plan to extend active suffrage in provincial and municipal elections in provinces outside Buenos Aires to documented migrant workers or those in a regular situation and their families (paragraph 210 of the report).

D. Part V of the Convention

Articles 2, 7 and 63

26. Please indicate whether the State party plans to introduce a residence procedure applicable to the category of workers without a contract or self-employed workers, which, according to information received by the Committee, does not exist at present.

E. Part VI of the Convention

Article 68

27. Please provide additional information on the National Programme for the Prevention and Eradication of Trafficking in Persons and for Assistance to its Victims, which was adopted in October 2007 (paragraphs 121–122 of the report). What have been its achievements as regards the rights of migrants?

28. According to information received by the Committee, only a small number of persons have been found guilty of the crime of trafficking and the penalties handed down on them have been very light. In this regard, please provide more information on the measures taken to ensure that perpetrators are rapidly brought to trial, to encourage training for judges, prosecutors, lawyers and the police and to ensure the application of Act No. 26364 on the prevention and punishment of trafficking in persons and aid for victims and of articles 145 bis and ter of the Criminal Code (paragraphs 117 and 131 of the report). Please provide information relating to the years 2007–2010 on the number of complaints lodged and investigations carried out into cases of trafficking in migrants for sexual and work exploitation and the convictions handed down — in terms of penalties — for this type of crime.

29. In addition to that provided in paragraph 118 et seq. of the initial report, please provide more information on the budget assigned to and the measures adopted to provide free psychological, medical and legal support, as well as rehabilitation services for the victims of trafficking in persons, including in the provinces. Have additional public shelters or specialized homes been set up for girls, adolescents and youths, and for women victims of trafficking? How does the National Witness Protection Programme operate as regards the victims of trafficking?

30. Please provide additional information on the role of the Office for the Rescue of and Assistance to Victims of Trafficking Offences within the Ministry of Justice, Security and Human Rights (paragraph 123 of the report) in protecting the rights of victims of trafficking in persons. What procedures has that Office adopted in order to identify victims of trafficking in persons and to assure them protection? Are such victims considered as migrant workers? Please describe how inter-agency coordination between the Office, the National Directorate of Migration, the Ministry of Social Development and the Prosecution Service is being strengthened to ensure protection for the victims of trafficking.

Article 69

31. Please provide additional information on the measures that are being taken to address the migratory status of those migrants whose applications under the “Patria Grande” National Programme for the Standardization of Immigration Documents or via the ordinary procedure (Act No. 25871) have not led to a final decision authorizing permanent or temporary residence (paragraphs 84 and 85 of the report). What steps have been taken to alleviate the costs or excessive requirements of migratory procedures, such as the entry certificate, when renewing residence permits prior to obtaining permanent residence?
