

Argentina: Macri's immigration decree brings back the politics of the Videla dictatorship

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On January 30, 2017, Argentine president Mauricio Macri made official an executive order “of necessity and urgency” (*Decreto de necesidad y urgencia*, DNU 70/2017) that modifies the 2003 Immigration Law, returning immigration policy to what it was during the days of the Videla dictatorship (1976-1983). The Videla junta was a regime of mass repression of the Argentine working class and youth, responsible for the death and disappearance of some 30,000 workers, leftists, trade union militants and students.

Macri's executive order is nothing less than a repudiation of democracy and the Argentine Constitution. Human and immigrant rights organizations have condemned it, including the Argentine Center of Legal and Social Studies (CELS) and Amnesty International. DNU 70/2017 restricts access at border crossings, requires an examination of a potential immigrant's past, and speeds up the process of deportation of foreign workers.

Under the terms of the infamous “Videla Law” of 1981, impoverished immigrants from the countries surrounding Argentina were deemed a threat to national security. The entry of undocumented immigrant workers from those regions into Argentina was categorized as a crime, much like in the United States today. Undocumented immigrants and their families were denied health, education and other social services. Government employees were obligated to turn them in to the police. Lacking any rights, immigrants from impoverished nations, such as Paraguay and Bolivia, were subject to super-exploitation by agribusiness and urban factories.

In defense of DNU 70/2017, Macri's Security Minister, Patricia Bullrich revived the line of the Videla dictatorship with exaggerated and unproven claims of the participation of Peruvians, Paraguayans, and Bolivians in drug trafficking, claims that were denounced and corrected by the Bolivian Consulate and by CELS.

The Macri decree is a direct violation of the Argentine Constitution—as was the Videla Law. Article 4 of Constitution declares: “The right to immigrate is a personal right that is essential and inalienable, which the Argentine Republic guarantees, on the basis of equality and universality.”

The new directive does not limit itself to possible crimes committed in Argentina. It also calls for an examination of infractions possibly committed by the immigrants in other countries. A strongly worded protest issued by the Bolivian Consulate on January 31 pointed out that had this rule been in

effect in the past, Macri's own immigrant father would have been banned for having participated in smuggling. The Bolivian condemnation, using corrupt friends of Macri as examples, rightly points out the fact that DNU 70/2017 will do nothing to prevent the movement of wealthy immigrants, no matter what their criminal history, but is aimed at the poor.

Those who are deported could be barred from re-entering this South American nation for up to eight years. Coming on the heels of a year of increasing unemployment and misery for vast sections of the Argentine working class, a more sinister purpose is to appeal to xenophobia in the most backward sections of Argentine workers and the middle class on the basis of stereotypes (the Chilean pick-pocket, the Brazilian or Uruguayan contrabandist, the Bolivian drug-trafficker, etc.), thus blaming them for the social crisis that Argentina is going through.

Macri's own xenophobic views are well known. In 2010, for instance, he blamed the occupation of public lands by workers demanding decent homes on “uncontrolled migration” from Bolivia. This is in line with the disdain with which the more European upper classes of Eastern Argentina have viewed Native Americans and people of mixed ethnicity in the Argentine northwest and Andean nations such as Bolivia and Perú, who are heavily represented in the working class of Buenos Aires.

Without providing any evidence that links immigration to crime (a recent study indicates that only six percent of the prison population in Argentina is foreign born), DNU 70/17 makes the absurd claim that the public is well aware of “recent acts of organized crime” by people of “foreign nationality” and that current law makes it difficult to expel them from the country, as a result of a complex process, that could take seven years. In other words, before the DNU was issued, foreign nationals accused of crimes had the same right to a trial in Argentine courts as those born in Argentina.

Macri's order explicitly states that a guilty sentence is no longer necessary to expel an immigrant or to prevent him/her from reentering Argentina. In contrast, the 2003 law recognized immigration as a democratic right, abolished “illegal immigrant” as a criminal category and provided ways in which immigrants could establish residency, including those who had moved into Argentina under the Videla Law. The restrictions imposed by the dictatorship had created a huge population of undocumented workers, all of

them considered illegal under that law, who lived a life of economic and social insecurity.

It would take 20 years after the fall of the military-fascist dictatorship to abolish the Videla Law. Succeeding administrations clung to the fraudulent claims that blamed immigrants for unemployment, cholera, occupations of lands and homes, dependence on government programs and crime. The widespread social struggles of 2001 and 2002 that resulted from the national debt crisis and widespread corruption made it possible to do away with much of what was left from the dictatorship, including the repressive and anti-proletarian Videla Law.

The 2003 Immigration Law together with new regulations in the MercoSur common market, made the movement of people somewhat routine in the Southern Cone. For Argentina, the 2010 census listed 1,245,054 immigrants from those nations sharing a border with Argentina (Uruguay, Brazil, Paraguay, Bolivia and Chile); together with immigrants from Peru (157,514), that group accounted for 77 percent of all recent immigrants, the majority of whom belonged to the working class. The balance came from Europe (300,000), from the rest of the American continent (68,000), Asia (31,000) and Africa (3,000).

Despite the 2003 law, conditions for immigrants, particularly those from Bolivia, continued to be exploitative. In 2006, a fire at a clandestine garment factory killed six immigrants and revealing the existence of a layer of workers who worked under conditions of slavery, mainly in the garment industry. The tragedy created a national scandal that spurred the legalization of undocumented immigrants and a campaign for the closure of illicit factories.

Macri's executive order is bound to return immigrant workers to those conditions.

DNU 70/2017 codifies a transformation that was already taking place since December 2015. First, the police were given the right to stop and ask for identity papers of anyone at any time. In mid-2016, immigration prisons were established, as part of a campaign against "migratory irregularities."

These changes occurred in tandem with the abolition of programs to aid and give legal advice to new immigrants who have yet to establish residency and with a substantial increase in police raids against undocumented workers, in bus stations, apartment buildings, and places of work. In effect, the legal principle of "innocent until proven guilty" had been turned on its head by the Macri administration months before DNU 70/2017.

In a larger context, and in line with a shift to the language and policies of the Videla dictatorship, there is a consistent campaign by Macri and his government to revise historical memory and minimize the impact of that savagely violent period. In this spirit, Macri has restored to the armed forces the autonomy it had lost following 1983, promised to increase the military budget for weapons, fighter planes and other purchases with the pretext of fighting terrorism and attempted to change the scope of the trials against members of the Videla Junta for crimes against humanity, in many cases favoring turning prison sentences into house arrest.

Mass popular opposition forced Macri to back down from his proposal to transform March 24, the Day of Remembrance For Truth and Justice, the solemn commemoration of the Videla *coup d'état* (March 24, 1976), into a floating holiday. The government

has also revised downward the number of victims and the impact of Videla's genocidal and fascistic policies.

Macri's DNU 70/2017 is being compared to US president Trump's recent ban on refugees and travel from seven predominantly Muslim nations. The comparison is apt, for in both cases, cloaked behind the immigration issue is a deliberate policy of attacking, dividing and disarming the working class to further the profit interests of the financial oligarchy and US imperialism. Already, even before Trump took power, Macri had begun discussing closer military ties with the United States, including the establishment of military bases on the border with Brazil and Paraguay and in the southern tip of Argentina.

It took 20 years, between the restoration of democracy in 1983 and the promulgation of the 2003 immigration law, to abolish the undemocratic, unconstitutional and repressive Videla Law. It has taken Macri little more than a year to formally restore all of its features—with the collaboration of the trade unions and Peronist parties.

The powerful movement of the working class of December 2001, the *Argentinazo*, in response to the implosion that resulted from the Argentine debt crisis, led to a series of concessions by the bourgeois nationalist Peronist governments of Nestor Kirchner and his widow, Cristina Fernandez. Those included the abolition of the Videla Law, and the renewal and more aggressive pursuit and prosecution of former junta members and collaborators.

However, absent a socialist internationalist leadership, the workers' rebellion of 2001, for all its militancy and combativeness, could not break with Peronism, which in 2015 ceded power to Macri, the successor to Videla and representative of Wall Street. Peronist leaders in the National Congress are said to be supporting Macri's executive order.



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