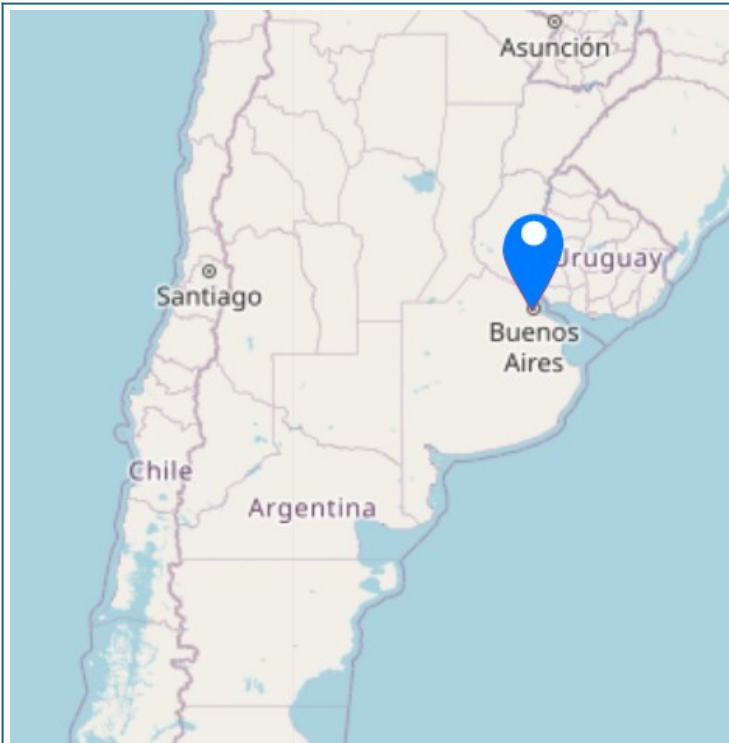


Argentina Immigration Detention Data Profile



Quick Facts	
Immigration detainees (2019)	Not Available
Detained minors (2017)	Not Available
International migrants (2019)	2,212,879
New asylum applications (2019)	3,842
Number of immigration detainees on a given day (2019)	Not Available

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/americas/argentina>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Number of immigration detainees on a given day	Not Available	2019
Total number of detained minors	Not Available	2017	Number of dedicated long-term immigration detention centres	1	2016
Number of deportations/forced returns only	703	2018	Percentage of persons removed in relation to total number of people placed in removal procedures	99	2018
	495	2017			
	323	2016			
Criminal prison population	72,693	2015	Percentage of foreign prisoners	6.2	2015
	64,288	2013		5.4	2013
	62,263	2012		5.8	2012
	60,789	2011			
	60,611	2008			
	63,357	2005			
	57,632	2002			
	35,808	1998			
	25,852	1995			
21,016	1992				
Prison population rate (per 100,000 of national population)	167	2015			
	154	2013			
	149	2012			
	147	2011			
	151	2008			
	163	2005			
	152	2002			
	99	1998			
	74	1995			
62	1992				

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	45,200,000	2020	International migrants	2,212,879	2019
	43,417,000	2015		2,086,000	2015
	41,100,000	2012		1,885,700	2013

International migrants as a percentage of the population	4.8	2015	Refugees	3,857	2019
	4.5	2013		3,468	2018
				3,360	2017
				3,222	2016
				3,207	2015
				3,415	2014
Ratio of refugees per 1000 inhabitants	0.08	2016	Total number of new asylum applications	3,842	2019
	0.08	2014		2,661	2018
	0.08	2013		1,924	2017
	0.09	2012		1,871	2016
				831	2014
				1,922	2013
				1,467	2012
Refugee recognition rate	26.6	2015			
	25	2012			

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law		2016	
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Articles 18 and 43		1994
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Regulation of the National Migration Law (Decree 616/2010) - Reglamentación de la Ley de Migraciones Nº 25.871 y sus modificatorias (Decreto 616/2010)		2010	
	Decree of Necessity and Urgency (No. 70/2017), Migration, modifying the National Migration Act (No. 25.871) - Decreto de Necesidad y Urgencia (No. 70/2017), Migraciones, Modificación de la Ley de Migraciones (No. 25.871)		2017	
	National Migration Act (No. 25.871) - Ley de Migraciones (No. 25.871)		2004	2017
LAWS AND REGULATIONS				
Regulations, standards, guidelines	Name		Year Published	
	Manual de Procedimiento: Retención Judicial de Extranjeros		2015	

GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION				
Immigration-status-related grounds	Name			Observation Date
	Detention to prevent unauthorised entry at the border			2016
	Detention to prevent absconding			2016
	Detention to effect removal			2015
LENGTH OF DETENTION				
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date	
	45		2015	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to legal counsel	Yes		2017
	Access to free interpretation services	Yes		2017
	Access to consular assistance	Yes		2016
	Right to appeal the lawfulness of detention	Yes		2016
	Independent review of detention	Yes		2016
	Information to detainees	Yes		2010
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Release on bail	Yes	infrequently	2015
	Supervised release and/or reporting	Yes	infrequently	2015
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Not mentioned		2016
	Pregnant women	Not mentioned		2016
	Unaccompanied minors	Not mentioned		2016
	Asylum seekers	Not mentioned		2016
	Elderly	Not mentioned		2016
	Persons with disabilities	Not mentioned		2016
	Refugees	Not mentioned		2016
	Stateless persons	Not mentioned		2016
	Survivors of torture	Not mentioned		2016
	Women	Not mentioned		2016
Victims of trafficking	Not mentioned		2016	

MANDATORY DETENTION

Mandatory detention	Filter	Name	Observation Date
	No		2016

EXPEDITED REMOVAL AND RE-ENTRY BAN

Expedited/fast track removal	Name	Observation Date
	No	2016

EXPEDITED REMOVAL AND RE-ENTRY BAN

Re-entry ban	Name	Observation Date
	Yes	2017
	Yes	2016

COVID-19 UPDATES

	Update Status	Observation Date
	<p>On 31 August 2020, the UN Committee on the Rights of the Child praised Argentina’s decision to not deport a Peruvian mother after she completed her sentence for drug trafficking, taking into account the best interests of her three children, marking a new precedent in the country. In 2000, she was sentenced to imprisonment and was to be deported following her release and prohibited from re-entering the country. Three years later, she was released and Argentina’s immigration authority (Dirección Nacional de Migraciones or DNM) requested her deportation. Her case reached the Supreme Court in 2019, during which the Court approached the UN Committee on the Rights of the Child, who warned the country’s immigration authority of the irreparable damage that separation would entail for her three children. The DNM subsequently decided to suspend the deportation order against the mother and provide her with a permanent residency permit in July 2020. The president of the Working Group on Individual Communications, Ann Skelton, member of the Committee on the Rights of the Child, said that if the mother “had been deported, her children would have been separated from their mother or obligated to leave Argentina, the only country they know.” On 31 July, Iberoamérica Central de Noticias (ICN) reported that from the start of the pandemic, more than 2,200 prisoners had been released from Argentina’s prisons, representing a reduction of 16 percent of the prison population. In addition, to avoid overcrowding, the government began on 7 August construction works in three prisons of the Province of Buenos Aires with the objective of building 1,350 new spaces until the end of the year. The plan comes after calls from part of prisoners and organisations to reduce overcrowding as well as after riots took place in certain prisons around the country during the Covid-19 crisis.</p>	2020
<p>Latest Update</p>	<p>Responding to the Global Detention Project’s Covid-19 survey, the country’s prison ombudsman (Procuración Penitenciaria de la Nación or PPN), reported that the country’s immigration authority (Dirección Nacional de Migraciones or DNM) had informed them that deportations had been temporarily suspended. This measure was adopted through Disposition 1717/2020 of the DNM ordering the “suspension of expulsion operations ordered by the courts within the framework of Article 64 of Law 25.871 for the term of thirty calendar days, from 17 March 2020.” This suspension was then extended by DNM Disposition 1923/2020 of 17 April and subsequently by DNM Disposition 2205/2020 of 14 May. Nonetheless, the PPN reported that six Bolivian nationals detained at the ‘Complejo Penitenciario Federal de CABA’ were expelled from Argentina through the land border with Bolivia and further expulsions are planned. In addition, three Spanish citizens are waiting to be expelled to their country as well. These expulsions were carried out with coordinated efforts between the Ministry of Justice and Human Rights of the Nation (Ministerio de Justicia y Derechos Humanos de la Nación) and the respective embassies or consulates. The PPN indicated that they tried obtaining further information in this respect, but were unsuccessful in doing so. The PPN also reported that the national state of emergency measures have had an impact upon immigration policies. According to the Decree of Necessity and Urgency (Decreto de Necesidad y Urgencia or DNU) 274/2020 of 16 March, non-residents were prohibited from entering the country’s territory through ports, airports, and all other entry points. Initially, borders were closed for 15 days, with the possibility to extend if the measure was deemed necessary. On 27 March, according to DNU 274/2020, the prohibition of entry was extended to include all residents and Argentinean nationals residing out of the country. The prohibition of entry for Argentinean nationals residing outside of the country was lifted on 1 April through DNU 331/2020, while all other restrictions were kept in place. Only the Ezeiza International Airport was opened along with specific border crossing points: - Paso de los Libres/Uruguayana (border crossing to Brazil) - Gualaguaychu/Fray Bentos (border crossing to Uruguay) - Salvador Mazza / Yacuiba (border crossing to Bolivia) - Cristo Redentor (border crossing to Chile) - Paso San Sebastian (border crossing to Chile) Further, the prohibition of entry onto national territory was subsequently extended until 24 May through DNU 493/2020. The PPN indicated that these measures in addition to lockdown measures have made it impossible for people to circulate through the territory. In responding to the GDP Covid-19 survey questions, the PPN also indicated that they did not have information concerning whether the country had put in place a moratorium on new immigration detention orders nor did they have information regarding whether immigration detainees had been released. In addition, the PPN stated that they did not have access to information regarding whether immigration detainees are tested for Covid-19 or as regards what measures have been put in place to prevent the spread of the disease within detention centres and penitentiaries. Concerning the country’s prisons, on 27 May President Alberto Fernandez announced the construction of 12 hospital units (288 beds) for prisons in the province of Buenos Aires to ensure that prisoners are isolated to prevent the spread of Covid-19. According to Prison Insider’s “World Map of Coronavirus in Prison,” one prisoner has died from Covid-19 and there are 68 infected prisoners in the country’s prisons.</p>	2020
	<p>Argentina’s borders have been closed to both nationals and non-nationals since 27 March 2020. On 31 March 2020, this measure was extended until 12 April 2020, through a Decree of Necessity and Urgency, with some modifications, including the possibility for nationals and residents to “gradually return to the national territory.” There are reports indicating that authorities in parts of the country are taking exceptional measures to force migrants out of their provinces and to step up apprehensions of people in border areas. Argentina does not have dedicated immigration detention centres and does not emphasise detention in its immigration policies. Prisons are sometimes used to hold immigration detainees. On 13 March 2020, the International Observatory for Prisons - Argentina section - wrote to the Ministry of Justice urging that measures to prevent the spread of Covid-19 within penal institutions be implemented. The letter highlighted the current lack of hygiene and food and called on the Ministry to elaborate a strategy to avoid riots and the spread of the disease. On 23 and 24 March 2020, riots broke out in several penitentiaries, leaving five prisoners dead and many more injured. Following the riots, the International Observatory for Prisons expressed its concerns as regards the situation in Buenos Aires’ prisons in a letter addressed to the Supreme Court of Buenos Aires. The letter criticises the lack of measures to mitigate the current situation and the recourse to physical violence from part of security forces as a means to regain control.</p>	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification

	Name	Ratification Year
International treaties	OP CRC Communications Procedure	2015
	OP ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	2011
	OPCRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2008
	CRPD, Convention on the Rights of Persons with Disabilities	2008
	ICRMW, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2007
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2007
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2004
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2002
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2002
	CRC, Convention on the Rights of the Child	1990
	ICCPR, International Covenant on Civil and Political Rights	1986
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1986
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1986
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1985
	CRSSP, Convention Relating to the Status of Stateless Persons	1972
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1968
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1967
	VCCR, Vienna Convention on Consular Relations	1967
	CRSR, Geneva Convention Relating to the Status of Refugees	1961
Ratio of relevant international treaties ratified	19/19	

Relevant international treaties and date of ratification

Individual complaints procedure	Name	Acceptance Year
	CRC, [Third] Optional Protocol to the UN Convention on the Rights of the Child establishing a communications procedure, 2011	2015
	ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008	2011
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance, declaration under article 31	2008
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2008
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2007
	ICERD, declaration under article 14 of the Convention	2007
	CAT, declaration under article 22 of the Convention	1986
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1986

Relevant international treaties and date of ratification

Ratio of complaints procedures accepted	Number	Observation Date
	8/9	
	8/9	

Relevant international treaties and date of ratification

	Name	Recommendation Excerpt	Recommendation Year
<p>Relevant recommendations issued by treaty bodies</p>	<p>Committee against Torture</p>	<p>34. The State party should: (a) Ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she could face a personal and foreseeable risk of being subjected to torture, and refrain from accepting diplomatic assurance with regard to such persons; (b) Repeal or amend the provisions of the Decree of Necessity and Emergency No. 70/2017 in order to ensure that persons subject to expulsion may be granted enough time to challenge the decision at the administrative or judicial level and be given access to immediate free legal aid to appear before any court during the expulsion process; (c) Ensure that migration legislation and regulations allow for detention for migration-related reasons only as a measure of last resort, after less invasive alternative measures have been duly considered and exhausted, where it has been deemed necessary and proportionate and for as short a period as possible. The State party should also establish effective judicial oversight of orders for the detention of persons for migration-related reasons.</p>	<p>2017</p>
	<p>Committee against Torture</p>	<p>34. The State party should: (a) Ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she could face a personal and foreseeable risk of being subjected to torture, and refrain from accepting diplomatic assurance with regard to such persons; (b) Repeal or amend the provisions of the Decree of Necessity and Emergency No. 70/2017 in order to ensure that persons subject to expulsion may be granted enough time to challenge the decision at the administrative or judicial level and be given access to immediate free legal aid to appear before any court during the expulsion process; (c) Ensure that migration legislation and regulations allow for detention for migration-related reasons only as a measure of last resort, after less invasive alternative measures have been duly considered and exhausted, where it has been deemed necessary and proportionate and for as short a period as possible. The State party should also establish effective judicial oversight of orders for the detention of persons for migration-related reasons.</p>	<p>2017</p>
	<p>Committee against Torture</p>	<p>36. The State party should: (a) Issue clear instructions to the security forces at both federal and provincial level to observe the prohibition of discrimination against persons in detention and respect the dignity of such persons when they are subjected to a body search, in cases where such a search is strictly necessary and where there is no alternative; (b) Ensure that all cases of arbitrary detention, violence towards and ill-treatment of persons because of their foreign origin, sexual orientation or gender identity are investigated, with a view to prosecuting and punishing the perpetrators of such acts and suspending the officials involved; and (c) Ensure the adoption of policies and programmes specifically aimed at the integration and protection of persons detained on the basis of their sexual orientation or gender identity, at both federal and provincial level, and ensure full compliance with the Gender Identity Act No 26743.</p>	<p>2017</p>
	<p>Committee on the Elimination of Racial Discrimination</p>	<p>26. The Committee urges the State party to: [...] (c) Ensure effective access to justice and respect for fundamental rights and due process guarantees in proceedings against human rights defenders, members of indigenous communities, people of African descent and migrants, including the proceedings concerning Milagro Sala and Félix Díaz. In the case of Milagro Sala, the Committee invites the State party to implement the measures requested by the Working Group on Arbitrary Detention (A/HRC/WGAD/2016/31, para. 117).</p>	<p>2017</p>
	<p>Committee on the Elimination of Racial Discrimination</p>	<p>34. Taking into account its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take the necessary action to ensure the protection of migrants, including by: (a) Implementing measures that promote the full participation and integration of migrants into the State party and respect for their rights; and ensuring that no practices or provisions are introduced that represent a backward step compared with the regulatory framework in force; (b) Considering the use of alternatives to the deprivation of liberty for migrants in an irregular situation and ensuring that detention is used only as a last resort and that it is reasonable, necessary and proportionate and is kept as short as possible.</p>	<p>2017</p>

Regional treaties, regulations, and directives				
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)	
	IACPPT, Inter-American Convention to Prevent and Punish Torture		1988	
	ACHR, American Convention on Human Rights		1984	
	APACHR, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights		2003	
	CBDP, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)		1996	
	IACFDP, Inter-American convention on Forced Disappearance of Persons		1995	
Regional treaties, regulations, and directives				
Regional treaty reservations	Name		Reservation Year	
	ACHR Article 5		1984	
	ACHR Article 7		1984	
	ACHR Article 10		1984	
Non treaty-based international human rights mechanisms				
Visits by special procedures of the Human Rights Council	Name		Year of Visit	Observation Date
	Special Rapporteur on freedom of religion or belief		2000	2015
	Working Group on arbitrary detention		2003	2015
	Special Rapporteur on trafficking in persons, especially in women and children		2010	2015
Non treaty-based international human rights mechanisms				
Relevant recommendations by UN Special Procedures	Name	Recommendation Excerpt	Recommendation Year	Observation Date
	Working Group on arbitrary detention	§69. As far as possible, efforts should be made to avoid holding children or foreigners detained under the immigration laws in police stations. §75. An effective judicial remedy should be provided for administrative orders for the detention of foreigners with a view to their expulsion from the country. Any person detained for reasons related to immigration should have an opportunity to request a court to rule on the legality of his or her detention before the expulsion order is enforced. The current practice of detaining foreigners for reasons related to immigration together with individuals charged with ordinary offences should be halted.	2003	2003
Non treaty-based international human rights mechanisms				
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date	
	No	2008	2017	
	No	2012		

INSTITUTIONAL INDICATORS

Governing structures															
Federal or centralized governing system		Federal or centralized governing system								Observation Date					
		Federal system								2015					
Institutions responsible for immigration detention															
Custodial authority		Agency			Ministry		Ministry Typology			Observation Date					
		Dirección Nacional de Migraciones					Immigration or Citizenship			2015					
		Policía de Seguridad Aeroportuaria					Internal or Public Security			2014					
Institutions responsible for immigration detention															
Detention Facility Management		Entity Name					Entity Type			Observation Date					
		Servicio Penitenciario Federal					Governmental			2015					
		Policía de Seguridad Aeroportuaria					Governmental			2014					
Institutions responsible for immigration detention															
Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
			Yes							Yes					
Detention monitoring institutions															
Authorized monitoring institutions		Institution					Institution Type			Observation Date					
		Procuración Penitenciaria de la Nación					Parliamentary (Congressional) Organs			2014					

More information about immigration detention in Argentina is available at the website of the Global Detention Project (www.globaldetentionproject.org)