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Blythe Austin
Macalester College

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Asylum Request Policies: Argentina and the Netherlands

Blythe Austin

I. Introduction

Over the past year I have spent a total of ten months abroad, studying for five months each in Argentina and the Netherlands. When I tell inquisitive people that this is how I chose to spend my junior year in college, they always respond with a perplexed look and some sort of exclamation. Generally the confusion I encounter boils down to one question: what on earth do those two places have in common?

On the face of it, the answer is very little. After living in each place, I can appreciate how many differences there are between these two countries. Argentina is a passionate, Catholic nation where cafes remain open into the early morning and even business meetings do not begin until an hour after the scheduled time. The Netherlands is a staunchly secular yet Calvinist place, in which stores close at 6:00 p.m. sharp and supervisors demand a full explanation when a subordinate is so much as two minutes late.

Even before I left the United States I knew that I would have a very different experience in each country. However, I also knew that by looking beyond the superficial differences in how each society functions I would find that the two countries share a deeper commonality: both must cope with the challenges that result from globalization.

Globalization does not recognize national borders or cultural distinctions. Every country on earth faces new issues and challenges as a result of the fast speeds at which information and people can now move. In order to link my experiences in Argentina and the Nether-

lands together, I decided to focus on this single theme of globalization that impacts both countries. In this way, I might be able to draw connections between the two countries that would not be evident to the casual observer. This has allowed me to learn more about the universal impact of globalization and lets me apply the experiences of Argentina and the Netherlands to my studies of other countries.

With this aim in mind, I have focused on the phenomenon of asylum application procedures in Argentina and the Netherlands. In general, the movement of people across national borders has been a major feature of globalization as geographic barriers break down. I chose to focus on the refugee phenomenon because it epitomizes the frictions and issues involved in immigration. Comparing all immigrants, refugees generally need the most help from their new country. Further, refugees are often the most unwelcome immigrant group because, by definition, a receptive country did not choose to have them come. Rather, refugees embody the ways in which a nation can no longer remain isolated from events in the outside world. A war in a faraway place can physically influence another nation by creating an influx of needy people. In addition, nations usually cannot choose their refugee policies autonomously but rather must work under the influence of neighboring countries and a strong international framework. Thus, the movement of refugees provides a concrete example of how globalization impacts states and state policies.

The essay is divided into three sections. The first two sections will be case studies that explain how the topic of refugee admission is viewed in Argentina and the Netherlands, and how the governments of each country respond to asylum applications. My challenge in these sections is to capture the complex political responses to asylum applications in each place. To do this, I will focus on a change of refugee law that occurred in each country: in Argentina, the 2006 Refugee Law, and in the Netherlands, the Aliens Act of 2000. I will briefly (a) analyze the historical backdrop in order to gain some understanding of how refugees are perceived, (b) look at the shortcomings of each country's previous refugee law, (c) explain how these laws were modified by creating new policies, and finally (d) analyze the strengths and weaknesses of each policy. By funneling so much information into a small space, I intend to emphasize how complex and difficult is the theme of refugee admittance. Liberal policies are inadequate; the state must also create a specific infrastructure to accommodate refugees. However,

this infrastructure must not prevent asylum applicants from integrating into the wider society.

In the last section I will provide more general thoughts on the parallels between Argentina and the Netherlands and what one illuminates about the other.

II. Case Study: Argentina

This section examines refugee policy in Argentina. To do this, it will first look at the background of how refugees have been viewed throughout Argentine history. Subsequently, it will examine the 2006 change of refugee law by first analyzing the previous law's shortcomings and then briefly describing how the new law seeks to improve on the old. As we will see, Argentina has a liberal view towards refugees because much of its national identity is based on being a nation of European immigrants. This perspective went through a crisis in the mid-20th century when the definition of a refugee changed to include non-Europeans. However, with the restoration of democracy in the 1980s, the government sought to again become a safe haven for the oppressed, and thus wrote a liberal refugee law with the intention of giving asylum seekers many benefits while their applications were being processed. This law did not prove to be effective, however, because it lacked strong institutional support for refugees. In 2006, the government tried to redress this deficiency by creating a strong government office that specifically addresses the needs of refugees.

A. Background

When considering Argentina's current stance on refugees, it is important to keep in mind that, like the United States, Argentina is almost entirely a country of immigrants. Nineteenth-century Argentine elites used immigration as a way to unify such a large country into a single nation with a common history.¹ The country's 1853 Constitution explicitly refers to a right to immigrate, and the government advertised heavily in Europe in order to attract newcomers. The underlying assumption of this enthusiasm was that these immigrants would come from Europe. A large part of Argentine national identity was based on being a European country, racially and culturally, and thus distinct from its South American neighbors.

The impact of immigration on Argentine society in the late 19th and early 20th centuries cannot be underestimated; in 1914, a full 30% of people in Argentina were born elsewhere.² At the time, no refugee category existed in Argentine law or rhetoric. However, the dictatorial regimes and bloody wars that characterized Europe in the nineteenth century played a major role in causing such a large emigration to the Americas.³ Europeans who today would be considered refugees were accepted along with ordinary immigrants and provided with government assistance so that they could establish themselves economically.

Argentina's massive and steady intake of European immigrants stopped suddenly with the outbreak of World War I. While immigration rebounded slightly between the World Wars, the labor shortages in Europe after World War II ended the era of large European migration to Argentina. This damaged Argentine self-esteem because it demonstrated the country's increasing economic inferiority to Europe. The Argentine governments continued for several decades after World War II to feebly encourage European immigration. This effort proved futile except with regard to refugees. Europeans fleeing persecution, including former Nazis, found a welcome home in Argentina.

Since World War II, Argentina's policy toward refugees generally has been shaped by the 1951 Convention Relating to the Status of Refugees, to which it became a party in the 1960s, with the predictable reservation that it would only accept refugees from Europe. These geographic restrictions loosened over time until 1984, when the country's new democratic government declared that Argentina would take in refugees regardless of their country of origin. This change in refugee law mirrored the country's movement towards accepting immigrants from surrounding South American nations, since most refugees coming to Argentina in the 1980s were from within South America.

Since 1984, Argentina's laws on immigration and asylum have been notably liberal. This is attributable to several factors. First, the nation has fully recognized that Europeans will tend not to migrate to Argentina anymore, and so to receive immigrants it must open its borders to South American nations. Second, Argentina's brutal dictatorship in the late 1970s and early 1980s had a very restrictive immigration policy with regard to South America, and so opening the country's borders was viewed as part of democracy. Third, the number of people immigrating and taking refuge in Argentina has remained small: people born outside of Argentina steadily make up only 5% of the popula-

tion.⁴ In 2003, there were only 2,300 refugees and asylum seekers in Argentina.⁵

B. Refugee Law Culminating in 2006 Law Change

1. The Previous Law

After Argentina determined it would accept refugees from all nations in 1985, it created a new governmental grouping, the Refugee Eligibility Committee (CEPARE), which brought together people from different branches of government in order to review applications for asylum.

On the face of it, the CEPARE guidelines take a progressive position toward immigrants. The committee was specifically instructed to follow the guidelines set out in the Convention Relating to the Status of Refugees. In addition, the United Nations High Commissioner for Refugees (UNHCR) was encouraged to participate in CEPARE's deliberation process and give feedback on its performance. The Argentine government's explicit incorporation of international input on its national policies is notable even in today's world, and in 1985 was highly unusual, demonstrating that Argentina intended to treat refugees in a fair and humane manner.

Under the CEPARE program, asylum seekers received temporary legal documentation immediately after applying for asylum. This visa only lasted for three months, but could be renewed indefinitely until CEPARE reached a decision on the individual's application. The documentation gave asylum seekers the right to work and to travel. If an asylum seeker's application were accepted, he/she would receive a two-year visa and afterwards could apply for permanent residency.

2. Problems with CEPARE

While the Argentine government created the CEPARE asylum system with good intentions, in practice the policy created several problems that made the asylum seeker's experience more difficult than it otherwise could have been.

First, by creating a temporary visa system in which asylum seekers needed to renew their documents every three months, the government prevented the applicants from being able to work. In interviews, asylum seekers often noted that, though they had work authorization

as part of their renewable three-month visas, no one would hire them because their visas lasted for such a short period of time. Employers did not want to risk hiring someone who could possibly be removed from the country after such a brief duration,⁶ even though the asylum seekers renewed their three-month visas for as long as the application process took, which could be up to three years.⁷ Further, the government did not assist educated workers in obtaining documentation that proved their qualifications for skilled work. One study in the late 1990s found that 18% of asylum seekers had college degrees but had left the documents proving this in their countries of origin.⁸ Thus, the vast majority of asylum seekers could only hope to get jobs in the unskilled labor sector. In Argentina unemployment is generally high, so there is already an overabundance of people competing for such work. Asylum seekers were at a natural disadvantage because of their visa situation.

Second, CEPARE's application procedure required refugees to interact with multiple branches of government and figure out for themselves how to navigate the large public bureaucracy. As indicated earlier, CEPARE was not an independent government office; rather, it was a collection of various government offices working together to process asylum applications. It did not provide refugees with services but only reviewed their applications and periodically reported back to the government on how well the application process functioned. This meant that when asylum seekers needed governmental help, they had to figure out which government office to go to and then learn how that office functioned. This bureaucratic mess had a substantial impact on individuals' lives. While studying in Argentina I interned at a nonprofit organization called The Argentine Commission for Refugees (CAREF), which paired law students with immigrants and refugees who needed help navigating the legal process. These people's problems were generally basic. Often an asylum seeker would come to CAREF because he/she needed healthcare from the government. Asylum seekers were entitled to healthcare under the CEPARE system, but either the applicants did not realize it or they had no idea how to go about applying for social services from the various government offices. The Argentine government is essentially a sprawling bureaucracy, and without a single central office designated to help refugees, asylum seekers often did not receive the generous social services allocated to them by law.

Third, refugee law made no allowance for people who did not speak Spanish to receive special help. When CEPARE was created in 1985, the government made the assumption that most asylum seekers would

be coming to Argentina from other South American countries. This was based on historical evidence: from the 1960s until the early 1980s, much of South America was ruled by harsh military dictatorships. These countries created large numbers of refugees, so that when Argentina decided to finally eliminate geographic restrictions on its refugee admittance, it seemed obvious to the government that this would lead to people from surrounding, predominantly Spanish-speaking countries dominating the asylum system. Argentina's new democratic government did not anticipate that much of South America would now be democratic as well, and thus would not produce refugees. Further, after becoming a democracy Argentina began cooperating with its neighboring countries to open up state borders to free immigration. By the end of the 1990s, someone fleeing from Paraguay or another neighboring country did not need to apply for asylum in Argentina in order to work and receive public benefits; he/she could simply register as an immigrant and immediately be able to work and live. Thus most asylum applicants came from Asia, Africa, and Peru, although Peruvian applications ceased when Argentina opened its border to immigration from all Southern Cone nations in 2002. By 2006, the vast majority of asylum applicants did not speak Spanish, but the government did not provide asylum seekers help with translating documents or state-sponsored Spanish classes. Because most of the immigrants in Argentina come from the surrounding Spanish-speaking countries, asylum seekers and refugees stand out as the one group in the country that does not speak Spanish. This hinders their ability to find jobs, start businesses, and integrate into the larger society.

These three problems with the asylum application procedure stemmed from Argentina's lack of a strong institutional framework to deal specifically with refugees. CEPARE could review applications and make policy recommendations to the government, but it could not provide asylum seekers with the help they needed to establish themselves in Argentine society. The government wanted to have a liberal and generous policy toward refugees, but the intent did not translate into a positive experience for individual asylum seekers.

3. 2006 Refugee Law

The Argentine government recognized that the asylum application procedure did not function adequately under CEPARE and so created a new refugee law in November 2006 that dissolved CEPARE and cre-

ated the National Refugee Committee (CONARE), a new and unified office to work with asylum applicants. The government gave CONARE the power to help asylum applicants and refugees establish themselves in Argentina, hence creating a clear institutional framework to address the specific issues that refugees face.

Though the temporary visa system still exists in the CONARE system, the 2006 Refugee Law guarantees that applications will be processed in a timely manner. In addition, CONARE is charged with helping refugees and asylum seekers find work. This assistance is meant to counterbalance the natural disadvantage that refugees face in the workforce. CONARE also helps refugees and asylum seekers access social services, including education. Further, it can create programs that address refugees' specific needs, such as psychological services and language classes.

Given the shortcomings of the CEPARE system, the 2006 Refugee Law is certainly a positive step in streamlining and strengthening the institutional support for refugees. However, it is not yet clear how effective CONARE will be in achieving its aims. The Argentine government has a legacy of passing generous, liberal laws that are not enforced or do not receive funding. In an e-mail exchange with my former boss at CAREF, I learned that refugees and asylum applicants are still seeking the organization's help with navigating the governmental bureaucracy. Now that CONARE has the power to create programs to help refugees, it must receive the financial and professional support to do so. Also, it must continue to review asylum applications in a timely manner.

III. Case Study: The Netherlands

This section of the essay will consider the complex issues that surround asylum policy in the Netherlands. The Netherlands receives far more asylum applications and refugees than Argentina. Consequently, this means that its asylum policy is more developed and that the issues surrounding this policy are more complex than in Argentina. As we will see, the Netherlands must create a policy for processing asylum seekers' applications and addressing their needs that is both efficient and humane. The policy it had before 2000 was inefficient; the policy after 2000 does not emphasize human rights to the necessary degree.

Like the Argentina case study, this section is divided into several parts. First, it will provide a general background on how refugee pol-

icy has developed in the Netherlands and how the government has historically viewed its relationship with asylum seekers. Next, it will illustrate how the complex asylum procedure used in the 1990s could not function with the increasing number of applications. Then it will explain the 2000 Aliens Law's new application procedure. Finally, it will analyze how the 2000 law has failed by sacrificing human rights for the sake of efficiency. This study will demonstrate that Dutch refugee law remains inadequate and that the state must continue to develop an effective application procedure.

A. Background

After World War II, the Netherlands sought to define itself as a tolerant, multicultural society in which diverse peoples could peacefully live side by side. The country became world famous for its liberal acceptance of immigrants. The admittance of and kind treatment towards asylum seekers was part of this ethic. The Netherlands ratified the Convention Relating to the Status of Refugees in 1956 and thereafter sought to have a refugee policy that complied with it and other international human rights agreements.

Despite that posture, the Netherlands did not have an established asylum procedure until 1977; before then, the government would periodically specify to the United Nations Refugee Agency certain countries from which it would allow refugees.⁹ Beginning in 1977, the Netherlands accepted asylum applications regardless of country of origin. It also created a centralized institutional system for processing applications and addressing asylum applicants' needs. In 1987, the state took this centralization to a higher level by building three main reception facilities where applicants would live.¹⁰

Keeping asylum applicants together in special housing may sound extreme, but it reveals the holistic approach that the Netherlands has taken toward accepting asylum seekers. The state saw itself as responsible for taking care of asylum seekers and addressing their special needs. Thus, it had to provide them with housing, which was most efficiently done by building housing specifically for asylum seekers. The government increasingly relied on these facilities to house applicants for long periods of time. This practice was formalized by the 1994 Aliens Act, which specified that asylum applicants would henceforth generally live in the asylum centers during their entire application procedure.¹¹

The belief that the state had to support asylum applicants inspired the creation of a strong institutional framework that dealt only with this group. In the words of one academic, the Netherlands has “gradually developed specific structures, parallel to general welfare assistance, for the admission and accommodation of asylum seekers: the competent authorities allocate them to a place of residence on arrival, provide them with accommodation, mostly in commercial centers,” and also provide food, clothing, and financial support during the application review process.¹² In keeping with the belief that asylum seekers merited special treatment, they received different benefits than the rest of Dutch society. For instance, instead of unemployment benefits, asylum seekers received a state allowance.¹³ Such support is very expensive. In 2003, the Netherlands spent as much on its asylum seekers as the UNHCR did in its entire budget!¹⁴

B. Asylum Procedure Before and After the 2000 Aliens Act

1. The Previous Law

As the institutional structure for handling asylum seekers strengthened, the Netherlands developed a complex procedure for reviewing asylum applications. This system, codified in the 1994 Aliens Act, provided asylum applicants with many chances to receive refugee status and placed much of the burden of judging the validity of claims on the government.

When people declared that they wanted to apply for asylum in the Netherlands they were put into reception facilities where they would live while their applications were processed (unless other housing became available, which was unlikely). The application procedure could take years to complete; during this time, the applicants received special government benefits but were not allowed to work.

After a quick 24-hour review of an application to make sure the claim seemed valid, all asylum applicants had to complete paperwork and go through interviews before the government would rule on the credibility of their cases. This procedure was designed to give the asylum seeker the opportunity to speak with an attorney and explain his/her story to the authorities. The Dutch government then investigated the person's claim in order to determine whether it had merit.

If an applicant's claim were accepted, he/she would receive one of three types of refugee status, called the A, C, and F visas. Each of

these awarded the refugee access to different degrees of social services. Recipients of the F visa, which lasted for three years and provided no benefits, could apply to have their visa status changed to C, which allowed them to remain in the Netherlands and receive some benefits. Thus, an asylum seeker's application was reviewed not just to judge whether the person had a viable claim to refugee status, but also to determine what type of visa should be conferred.¹⁵ Special visas also existed for unaccompanied minor children, whose unique situations were recognized during the application process.¹⁶ If an asylum seeker's application was rejected, the person could appeal the decision. Applicants generally remained in the reception centers during the lengthy appeal process.

The process to review applications was intended to provide asylum applicants with government assistance and a fair opportunity to receive refugee status. However, in practice this system failed both the Dutch state and the asylum seekers because it could not handle the explosion in asylum requests that occurred in the 1990s: in 1987, 13,460 people applied for asylum, while in 1998, there were 43,217 requests, a more than 300% increase.¹⁷

Several factors caused this enormous increase in asylum applications. First, in the 1990s European nations tended to adopt strict immigration laws, so that often people who wished to move to the Netherlands recognized that applying for asylum was their only option. Second, political strife in Eastern Europe substantially increased the number of European refugees. Third, and perhaps most importantly, in 1994 the Netherlands lost its natural barrier against asylum seekers when Germany changed its own refugee laws. Prior to this, Germany received by far the most asylum requests in Europe because of its liberal asylum laws and long, largely open eastern border. However, in 1994 Germany changed its asylum procedure to prevent people from traveling overland to Germany in order to apply for asylum, and also to limit the number of refugees it accepted. A chain reaction across Europe resulted, as people who before would have applied for asylum in Germany now went to other countries instead.

As a result of the large increase in asylum requests in the Netherlands, the application process fell apart in the 1990s, as the backlog compelled people to wait in limbo for long periods while their applications were processed. The government provided for these people, but applicants were unable to make long-term plans for living in the Netherlands or to try to establish themselves as members of the soci-

ety. In the late 1990s, an application took an average of four years to process.¹⁸

The Netherlands' asylum procedure problems became visibly apparent in 1998 when the government, out of space in reception facilities, resorted to housing some of the 43,000 asylum applicants in tents outside of the reception buildings. Because the application review system was just as overloaded as the housing program, the people living in tents had to wait until they moved into the buildings in order to begin the asylum application process. Thus, many who had come to the Netherlands to flee persecution now found themselves living outdoors and without any legal recourse for becoming legal residents. This situation proved to have more consequences than solely a humanitarian crisis. Governments across Europe feared that those asylum seekers who had not yet applied for asylum in the Netherlands would seek to apply for refugee status in other countries while still living in the reception facility tents.¹⁹ This situation caused European states to begin discussing the development of a single EU refugee policy, but in addition to this eventuality, the Dutch government recognized that it needed a more immediate policy change to deal with asylum requests more quickly.

2. The Aliens Act 2000

The Aliens Act 2000 sought to dramatically cut the backlog of asylum applications by creating a faster and more efficient application review process. Given this aim, the new law largely succeeded, in part because it brought the Netherlands' policies more in line with those of its neighboring countries, including Germany.

Most asylum seekers now begin an accelerated application procedure, which by law lasts only forty-eight business hours. People cannot gain refugee status through this process; rather, this serves as a rigorous initial review that winnows out unacceptable applications. Approximately 60% of asylum applications are denied at this stage of review.²⁰ The applicant is interviewed two times and is expected to make the argument for why he/she should receive refugee status. Lawyers cannot be present during the interviews, but the applicant can meet with a lawyer for a set time between the two interviews and with a different lawyer after the second interview. These lawyers are expected to explain the application procedure.²¹ Applicants must present a clear and detailed history of how they were threatened in their

home countries, and provide accurate and thorough documentation to support their claims. They are also expected to have persuasive explanations for any missing documents or using false documents in order to get into the Netherlands.

When an application is denied during the accelerated procedure, the applicant can appeal the decision to the general administrative Dutch court, called The Council of the State. However, during the appeal process applicants are not entitled to any public benefits or state support and are required to leave the Netherlands while their cases are reviewed. In addition, applicants cannot usually introduce new evidence during the appeal process, so the information and documents given during the accelerated process constitute the seekers' complete applications. The Council of the State's decision is considered final and no further appeals are possible.

If an application is deemed admissible during the accelerated procedure, it is then more thoroughly reviewed, a process that can in some cases take a year or more.²² The applicant lives in asylum facilities during this time and receives benefits from the government. Applicants cannot work until their applications are accepted and they receive visas.

People who have their applications rejected after the general review process can appeal through the same procedures as those who were rejected after the accelerated review. Once again, these people must leave the Netherlands while their cases are reviewed.

The refugee visa system was greatly simplified in the Aliens Act 2000. Under the law, refugees either receive a permanent or a temporary visa and no special allowances are made for children. This helps to shorten the application review process.

3. Criticism of the Aliens Act

While the Aliens Act 2000's guidelines have reduced the time asylum seekers must wait for their applications to be reviewed and have made the process clearer by reducing the types of visas granted, these outcomes were achieved by curtailing the application review procedure and making the applicant largely responsible for the presentation of a well documented case. Many outside observers are highly critical of the law, and specifically the accelerated application procedure, contending that it allows viable claims to be rejected. This occurs in several ways. First, applicants often do not understand the accelerated application

process. Since it begins when they first apply for asylum, applicants have often just arrived in the Netherlands and are going through emotional and culture shock. No lawyer meets with applicants before the first interview to explain that the initial interview will be critical for their application, or to tell the asylum seeker what sort of information to give the interviewer.

Second, the accelerated process does not take into account that asylum applicants often need time to develop trusting relationships with an interviewer or lawyer before they feel comfortable relating why they left their home country. The accelerated process, which by law can take only forty-eight working hours, prevents such trust from developing because the applicant will generally meet with two interviewers and two attorneys during this time.²³

Third, applicants are expected to know what information and documentation to give to the interviewer in order to make a credible case for asylum. Interviewers are instructed not to ask leading questions. Instead, they let the asylum speaker talk and then listen for any inconsistencies in the story. Such expectations are unrealistic; people truly fleeing persecution will not have been trained in how to present themselves effectively in asylum interviews.²⁴

Fourth, the Aliens Act specifically puts the burden of explaining any missing documentation or use of false documents on the asylum seeker. In practice, interviewers only accept strong explanations, despite the fact that the Netherlands' strict immigration laws mean most asylum seekers must use false documents in order to travel to the country.²⁵

Fifth, the 2000 Aliens Act eliminated special visas for unaccompanied minors. Often these children must go through the same application process as adults, including the accelerated review with interviews. When they cannot provide specific information, their applications are often rejected and the children face deportation.²⁶

Thus, the accelerated application review procedure does not protect asylum seekers' human rights because it overlooks their special needs. Furthermore, these problems have a lasting impact. For instance, applicants cannot introduce new information during the appeal process except in very limited circumstances. This means that a flustered or ignorant asylum seeker who accidentally omits an important detail from his/her story cannot introduce this factor later on as evidence to justify refugee status. The accelerated application procedure is efficient at getting through large numbers of applications quickly, but it seems

to have been written without taking into account the trauma undergone by many applicants.

III. Conclusions: The Inadequacies of Asylum Application Procedures

After researching Argentina's and the Netherlands' asylum application procedures in depth, I am struck by their overarching similarity. Each country's policy prevents asylum seekers from integrating into the wider society. However, the policies prevent integration in opposite ways.

In Argentina, asylum seekers are prevented from integrating because they have not received government assistance to enable them to do so. Argentina gives asylum seekers a great deal of freedom: applicants are free to work, travel, and receive social services as they choose. However, the government does not help them take advantage of these freedoms. Asylum applicants must seek out Spanish classes, find work, and navigate the state bureaucracy largely on their own. This alienates the applicants because they do not have a foothold into the society around them. The 2006 Refugee Law may change this, but I am skeptical. The Argentine government has a history of writing generous laws to provide social services and then limiting the laws' effectiveness by not adequately funding them. Still, the creation of CONARE is a positive step.

In the Netherlands, the state purposefully chooses to keep asylum seekers separate from the rest of the society. Asylum seekers cannot work and generally must live in special housing. This institutionalized marginalization prevents asylum seekers from starting to develop new lives for themselves and makes them totally dependent on the state for support. The Aliens Act 2000 recognizes these conditions by attempting to clear out reception facilities and save government funds by rejecting applications more quickly. It does not, however, address the reason why the asylum application process is such a costly and complex process for the state: the state must fully support asylum seekers because they are prohibited from supporting themselves.

Seyla Benhabib argues that a state can make policies to encourage the integration of a diverse population:

The law provides the framework within which the work of culture and politics go on. The laws, as the ancients knew, are the walls of the city,

but the art and passions of politics occur within those walls...and very often politics leads to the breaking-down of these barriers or at least assuring their permeability.²⁷

Argentina and the Netherlands could encourage the integration of asylum seekers through policy initiatives. Both countries would benefit from government policies that allow asylum seekers to integrate into the society sooner. In Argentina, government assistance in language instruction and job hunting would prevent a permanently impoverished class of refugees from forming. In the Netherlands, the state would save money if it allowed asylum seekers to have more freedom. The Argentine government has recognized the benefits of enhanced freedom and reacted by writing the 2006 Refugee Law. In contrast, in the Netherlands, the Aliens Act 2000 maintained applicants' dependency and actually made their lives much more difficult by placing unreasonable expectations upon them. ●

Notes

1. Germani, p. 181.
2. Argentina, p. 36.
3. Devoto, p. 17.
4. 1991 Census.
5. U.S. Committee.
6. Brizuela, p. 179.
7. Villalpando, p. 179.
8. Brizuela, p. 181.
9. Ghorashi, p. 185; Van Selm, p. 76.
10. Van Selm, p. 76.
11. Gharashi, p. 187.
12. Thranhardt, p. 28.
13. Gharashi, p. 188. This paper is not intended to make arguments about why asylum seekers in the Netherlands have a system of social services separate from the rest of society. In all likelihood, this attitude comes from both a belief in the importance of refugee rights and a certain xenophobia. Historically, immigration was viewed as temporary in the Netherlands because the first immigrants came as guest workers after World War II. This meant that initial institutions for immigrants stressed their separateness from the general society. I believe this led to separate institutions and policies developing for asylum seekers as well.
14. Thranhardt, p. 31.
15. Van Selm, p. 77.
16. Ascoly, p. 374.

17. Van Selm, p. 77.
18. Gharashi, p. 190.
19. Van Selm, p. 83.
20. UNHCR, p. 1; Human Rights Watch, p. 2.
21. Human Rights Watch, p. 10.
22. *Ibid.*, p. 3.
23. *Ibid.*, p. 10.
24. UNHCR, p. 4.
25. Human Rights Watch, p. 11.
26. *Ibid.*, p. 17.
27. Benhabib, p. 196.

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