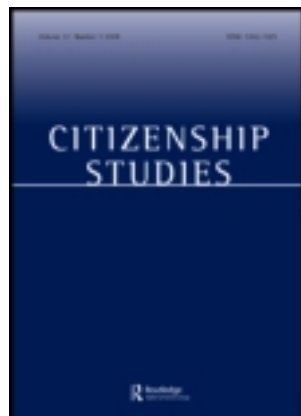


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### Insiders or outsiders? Argentinean immigrants in Spain

Luna Vives-Gonzalez <sup>a a</sup>

<sup>a</sup> Department of Geography, University of British Columbia, Vancouver, Canada

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## Insiders or outsiders? Argentinean immigrants in Spain

Luna Vives-Gonzalez\*

*PhD Candidate, Department of Geography, University of British Columbia, Vancouver, Canada*

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Immigration and citizenship laws mark the boundaries of the imagined community that is the nation. However, these boundaries are not stable constructs: quite the contrary, they are sites of constant struggle and change. This paper discusses the evolving status of Argentinean-born immigrants in Spain since 1985 in these two bodies of legislation. After a brief introduction to the history of population exchanges between Spain and Argentina throughout the twentieth century, I draw from official statistics and Spanish legislation to discuss how changes in the legislation have impacted the arrival and settlement of Argentineans in Spain since 1985, when the country joined the European Union. I then analyse material gathered in more than 30 in-depth interviews conducted in the fall of 2006 and explore respondents' efforts to preserve the political privileges that Argentineans traditionally enjoyed in Spanish immigration and citizenship legislation. I conclude that further work is needed to understand the impact of the changes introduced in these two bodies of legislation in the face of increased immigration flows, particularly in the contexts where colonial histories and the europeanisation of national institutions collide.

**Keywords:** Spain; Argentina; migration; citizenship; borders; law

### Introduction

In his classic study on the origin and spread of nationalism, Benedict Anderson argues that nations are 'cultural artefacts of a particular kind' (1991, p. 4). A nation, he says, 'is an imagined political community – and imagined as both inherently limited and sovereign' (p. 6). Building on this understanding of the nation as a historical process, other scholars have explored the violence involved in its becoming: the need to *imagine* the nation rests on the exclusion of what it is not – those defined as 'others' on basis such as race, gender, ethnicity, religion or language.<sup>1</sup> In the Spanish contemporary context, non-EU immigration is the paradigmatic 'other' against which national and European identities are constructed (Santamaría 2002, Agrela Romero and Gil Araujo 2004). Here as elsewhere, the exclusions and inclusions upon which nations are built are not stable constructs. They change over time along with the historical and political context and the interests of those in charge of their governments (Friedman 1992).

Yet, if the boundaries of the nation (both geographical and cultural) are not a given, but instead a process of continuous re-definition, re-negotiation and contestation, who draws them, and how? In this paper, my goal is to answer this question focusing on the case of Argentinean-born immigrants in contemporary Spain. This was one of the first groups of foreigners to settle in Spain in the twentieth century. Their arrival has been surrounded by

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\*Email: lunavives@gmail.com

a discourse of shared history, culture and ancestry that has left its traces on Spanish legislation (Murias and Novick 2005, Cook-Martín 2006, Retis 2006, Vives-Gonzalez 2007, Viladrich and Cook-Martín 2008). This paper focuses on two sites in which the constructedness and dynamism of national boundaries become most evident: immigration and nationality laws.<sup>2</sup> The discussion is based on the argument that these two bodies of legislation serve as a means both to delimit the nation and to contest and redefine its limits (Luibheid 2005).

After a brief discussion of the methodology used (section I), I explore the characteristics of the Argentinean-born immigrant group in Spain and its position within a long history of population exchanges (section II). Sections III and IV focus on the overall trends in Spanish immigration and nationality laws since 1985, paying special attention to the place given to Argentinean immigrants in those two bodies of legislation. The last section (V) of the paper draws from a series of in-depth interviews. I address the discursive and organisational practices that participants used to adapt to, and in some cases resist, changes introduced in the legislation perceived to hurt the interests of the group. In the concluding section I argue that, contrary to many accounts that focus exclusively on the formal aspects of policy-making in the terrain of immigration and nationality laws, immigrants can, and do, have an important impact on these boundary-making processes. This is especially so in countries (like Spain) that are still constructing a stable institutional framework to face the challenges posed by immigration.

## **Methodology**

The discussion that follows draws from a variety of sources. The data have been gathered mainly from reports and yearbooks from the National Institute of Statistics (Instituto Nacional de Estadística, INE) and the Ministries of Interior (Ministerio del Interior) and Labour and Social Affairs (Ministerio de Trabajo y Asuntos Sociales, MTAS), in charge of official migration-related publications between 1995 and 2008. A second area of enquiry has been Spanish legislation on immigration and citizenship from 1985 to 2007. Third, this paper draws from a series of in-depth interviews conducted in the fall of 2006 with Argentinean-born immigrants and professionals working with this group.

Of these interviews, 24 were conducted with Argentinean-born immigrants living in Spain at the time. Half were women and half men. Participants were at the time between 18 and 73 years old, and lived in one of the three Spanish cities where the interviews were conducted: Barcelona, Madrid and Granada. Four had migrated to Spain in the 1970s, two in the 1990s and 18 after the collapse of the Argentinean economy in late 2001. Half of the interviewees had been born and/or had lived in the city of Buenos Aires for most of their adult lives, while the other half came from other provinces. The majority were of Spanish descent, often mixed with other European or Native ancestry. Thirteen had EU citizenship, six had temporary residence permits and five were undocumented; 20 out of the 24 participants had been undocumented at some point of their stay in Spain.

A second set of interviews (10) was conducted with experts or professionals who worked with Argentinean-born immigrants. Of these, four experts (all of whom were Argentines as well) held positions of responsibility in immigrant associations: three worked for organisations whose mandate was to promote the rights of immigrants of Spanish descent and whose membership was mostly Argentinean; one worked with an association of Argentines in Spain. Two other interviewees were immigration lawyers in Barcelona and Granada. A police officer in charge of processing nationality applications in one of the three cities provided key information on the legal processes that the Argentinean

interviewees had to go through. Three academics were also interviewed for this project, two of whom specialised in Argentinean migration to Spain and one who worked on the access to citizenship for persons of Spanish descent.

These interviews, 34 in total, explored the obstacles faced by Argentinean nationals when migrating to Spain and obtaining citizenship status in the country. Interviews also covered how participants interpreted those obstacles in the light of the historical ties between the two countries. Respondents were encouraged to discuss their engagement with political activities (or lack thereof) to overcome those obstacles in Spain, Argentina or both. The goal of the interviews was to understand how some Argentines interpreted, and at times resisted, this process of re-mapping the boundary between Spain and Argentina in the legislation through a series of discursive and organisational practices.

### **Argentines in Spain: a long relationship and an evolving profile**

The history of population exchanges between Spain and Argentina spans five centuries. From colonisation until the late twentieth century Argentina was a favourite destination for Spanish emigrants (Nuñez Seixas 2002, Cook-Martín and Viladrich 2009). Cook-Martín and Viladrich have argued that the intensity of the population flows, together with 'related cultural and organisational links and legal mechanisms have sustained the widely held assumption of common origins' (2009, p. 156). This assumption, as we will see below, shaped Spanish immigration and citizenship legislation. From a demographic point of view, as a result of the migration of Spaniards during the nineteenth and twentieth centuries there is a large number of Argentines with dual nationality: the largest community of Spaniards abroad is in Argentina, its members being *Hispano-Argentinean* citizens.<sup>3</sup>

The migration of Argentines to Spain, on the other hand, has taken place at three key moments during the twentieth century: in the late 1970s and early 1980s as a result of the political repression under the governments of Isabel Perón and the military dictatorship (1974–1981/1983); and, later on, as a result of the economic crises of the late 1980s and early 2000s (Esteban 2003, Murias and Novick 2005, Actis and Esteban 2007). The political and social contexts in which these migrations have taken place were widely different: while Argentina sought to attract Spanish immigrants as a way to manage its vast and largely under populated territory (Cook-Martín 2006), the recent arrival of Argentinean migrants to Spain has occurred amidst a rapid increase of non-EU migration.

This paper focuses on the most recent wave of Argentinean-born immigrants that arrived in Spain after the collapse of the Argentinean economy in late 2001. The context where these migrations occurred was one of rapid growth and increased diversity of the foreign-born population in Spain (in terms of both legal status and ethno-cultural background). The share of immigrants from the Global South, and especially from Latin America, has increased rapidly since the mid-1990s. In 2007, Latin Americans accounted for about 31% of the total Spanish immigrant population – a share of up to 39% once both undocumented and naturalised Latin American-born immigrants were taken into account (INE 2007). From the perspective of the state, immigrants from the Global South have been perceived to be virtually inassimilable due to their ethno-cultural, religious and racial background (see analysis by Agrela Romero and Gil Araujo 2004; for the broader European context see Stolke 1995).

These immigrants have met both the hostility of the local population and the many obstacles placed by the country's legislation. In Spain, as in other places, visible migrants have become a 'meta-issue: ... a phenomenon that can be referred to as the cause of many problems, used by social and political agencies ... to interrelate a range of political issues

in their struggle over power, resources and knowledge' (Huysmans 2000, p. 762; see also Koffman 2005, Huysmans 2006). In the meantime, migrants from 'developed' countries (known not as 'immigrants' but as 'foreigners') have faced little, if any, opposition.<sup>4</sup>

However, it is not clear if Argentines should be considered unwanted 'immigrants' or welcomed 'foreigners.' This is due to the three main factors. First, there has been a heated debate about whether Argentina is culturally 'Latin American' or a 'European post overseas' (Dodds 2000), particularly when talking about 'Porteños' (Argentines from Buenos Aires). Linguistic, cultural and religious affinity between Argentines and Spaniards contributed to this discussion. Second, Argentina was considered a 'quasi-developed' country until the 2001 crisis, perceived to be half way out of the group of Third World countries. And finally, the similar physiognomy of Argentines and Spaniards (a result of colonisation and subsequent Southern-European migrations overseas) and this group's mostly white, urban and middle-class origins, has favoured the construction of Argentines as either an 'invisible' or a 'model' minority in Spain (Sarribe Pedroni 2000, Murias and Novick 2005, Retis 2005, Viladrich and Cook-Martín 2008, Cook-Martín and Viladrich 2009). Once more, this is less the case for those from regions other than Buenos Aires which account for the bulk of the non-white rural population in Argentina. Thus, ethnic affinity, the relative development of the country of origin and phenotypical similarity have served to differentiate most Argentines from other immigrants from the Global South.

The legal status of post-2001 Argentinean-born migrants in Spain depended on a framework whose tenets were the Spanish immigration and nationality laws (discussed below), Italian nationality law and EU regulations. Framed this way, Argentinean immigrants fell into one of three categories: EU citizens (usually Spanish or Italian and as such free to travel and settle within the EU), authorised migrants (certain conditions for residing and working in the country applied) or unauthorised migrants.

Figure 1 shows the evolution of each of these groups since 1995, when the Spanish Government first made available immigration data combining the variables of country of birth and nationality. The two areas at the bottom of the Figure show the slow growth of Argentines with dual Argentinean and Spanish (bottom area) or Italian (immediately above) citizenship. According to various sources, Italo-Argentines generally obtained citizen status thanks to their Italian ancestry (*ius sanguini*) and thus enjoyed the benefits of

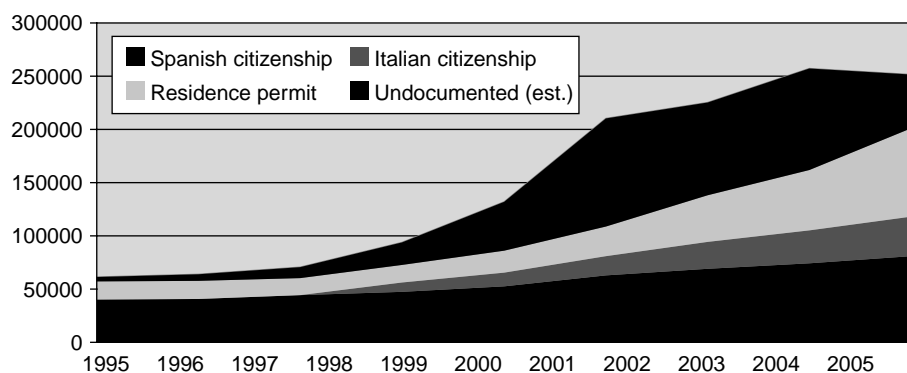


Figure 1. Evolution of the Argentinean-born immigrant community by legal status (1995–2005). Source: Actis and Esteban (2007).

EU citizenship to migrate to Spain. In contrast, Spanish nationality was, generally speaking, harder to obtain through the *ius sanguini* procedure<sup>5</sup> and Hispano-Argentines had more often obtained citizenship status thanks to the duration of their legal residence in Spanish territory (*ius domicili*).

The third area starting from the bottom of Figure 1 (in a lighter shade) shows the growth of the community of Argentinean nationals with legal residence in the country. This group increased significantly after the turn of the twenty-first century. Overall, however, the fastest growing and largest group of Argentinean immigrants between 2001 (peak of the economic crisis in Argentina) and 2005 (the date of the most recent amnesty in Spain) were undocumented migrants, represented in the top area of Figure 1. A comparison of available statistical data on foreigners with documented immigrant status (Ministerio del Interior 1996–2002, MTAS 2003–2005a), foreign residents in Spanish cities regardless of their legal status (INE 1998–2007) and the results of the 2005 amnesty (MTAS 2005b) shows that tens of thousands of Argentines overstayed their three-month tourist visa in this period.

As the Argentinean population in Spain evolved from mostly political emigrants in the 1980s to mostly economic emigrants at the turn of the twenty-first century, the socio-demographic immigrant profile underwent significant transformations. Argentines who arrived in Spain fleeing political repression in the late 1970s and early 1980s tended to be intellectuals and professionals with a high socio-economic status. In contrast, the post-2001 wave was more diverse and, generally speaking, less skilled. When compared to previous arrivals, post-2001 Argentinean immigrants (as a group) were younger, had a lower educational and professional standing, came more often from regions other than Buenos Aires and were channelled into the underground economy and traditional immigrant niches such as hospitality and domestic service (Sarrile Pedroni 2000, Esteban 2003, Garrido and Toharia 2004, Actis and Esteban 2007). The relationship between these two generations' diverging job experiences in Spain and the changing socio-economic context of reception should also be noted. While the Spanish economy in the 1970s and 1980s craved the professional skills that Argentines brought with them, more recent arrivals have found a highly saturated labour market where they must compete with Spaniards and migrants with equivalent skills (del Olmo 1989, Actis and Esteban 2007).

### **Argentines in Spanish immigration laws (1985–2008): losing privileges**

The first Argentines arrived in Spain two decades before the dawn of the age of immigration in the country. Legally, they were considered 'foreigners,' since the category 'immigrant' did not exist until Parliament passed Spain's first ever immigration law in 1985 (LOE 7/1985). This law responded to the need to fulfil formal requirements to join the EU and not to a perceived need to control immigration, which at that point consisted of roughly 2% of the total population. According to some observers, this law – badly designed and never enforced in practice – was in its wording one of the strictest immigration laws of Europe, more appropriate for traditional countries of immigration than for the circumstances of a latecomer such as Spain (Calavita 1998, Agrela Romero and Gil Araujo 2004).

Since 1985, Spanish immigration law has been modified five times: LOE 4/2000, LOE 8/2000, LOE 11/2003 and LOE 14/2003; the most recent law, passed in November 2009, had not been published at the time of writing. These laws have tended, generally speaking, towards increasing restrictiveness and complexity. This is partially a result of the incorporation of Spain into the EU, which has triggered a re-drawing of the symbolic



boundaries of the nation (Laffan 1996). This re-definition of the national self is particularly evident if we look at the shifting relationship with Latin America: if in the past Spain and its former colonies in the Americas were tied through the symbolic link of the ‘Hispanic Community’ (a family of nations bound by history, culture, language and religion), this has changed since Spain has ‘become European’ – this is, as the country’s institutions and legislation have adapted to Spain’s status as a member of the EU. Spanish immigration laws may well be one of the areas where this shift towards europeanisation has been felt more strongly. Symptomatic of this is, for example, the elimination of a short but key paragraph from the preface in the 1985 immigration law. Here, the law established that one of its priorities was to grant:

nationals of Latin American countries, Portugal, Philippines, Equatorial Guinea, Sephardic Jews<sup>6</sup> and those born in Gibraltar (...) a treatment of preference [*tratamiento preferencial*] due to the assumed cultural identity or affinity, which renders them worthy of such treatment. (LOE 7/1985; my translation)

The elimination of this paragraph legally liberated Spain from the ‘duty’ to honour historical links with former colonies and expelled populations through preferential immigration procedures. At the same time, many of the bilateral agreements that automatically granted visas to Latin American citizens, allowing them to enter, settle or engage in economic activities under conditions identical to Spaniards have either been removed or simply not enforced (Seploy *et al.* 2005, Viladrich and Cook-Martín 2008). The practical consequences of this increasing restriction for the immigration of nationals of countries from different world regions, in particular from Latin America, have been summarised below.

As Table 1 illustrates, Argentines’ right to enter Spanish territory for non-work related stays under 90 days has been preserved, at least in theory. Regarding longer and work-related permits, there are virtually no channels for the legal migration of Argentines to Spain. Exceptions to this general observation are family reunification procedures, government quotas for circular migration from a selected number of countries (set at roughly 27,000 migrants from six countries in 2008, Argentina not being one of them) and an undetermined number of contracts negotiated at an individual basis between a Spanish-based employer, a foreign worker and the Spanish Ministry of Labour and Social Affairs (since 2008, the Ministry of Labour and Immigration). At the same time, it is worth noting that there are a number of active bilateral treaties between Spain and Argentina that establish that ‘no obstacle or condition shall be imposed to the residence and engagement in economic or professional activities of a national of one of the countries in the other country’s territory’ (Seploy *et al.* 2005, p. 211; my translation).

Table 1. Immigration requirements for citizens from different world regions (2008).

Origin	Requirements for immigration (2008)
EU	No visa required for short stays (less than 90 days). EU citizens enjoy settlement rights.
Latin America	No visa required for short stays (less than 90 days). Exceptions: nationals of Bolivia (since 2007), Colombia (2002), Cuba (2002), Ecuador (2005), Peru (2007), and the Dominican Republic (1993). Visa needed for longer stays; no settlement rights.
Rest of countries	All groups required visa for entry except nationals of Andorra, Australia, Brunei, Canada, Croatia, Iceland, Israel, Japan, Liechtenstein, Malaysia, Malta, Monaco, Norway, Republic of Korea, Singapore, Switzerland, Hong Kong, Macao, New Zealand, United States, Vatican. No settlement rights.

Source: Spanish immigration law (LOE 14/2003).

That is the theory. On the ground, Spanish authorities have chosen to disregard these treaties (Coordinadora Estatal de Asociaciones Argentinas en España 2005, Seploy *et al.* 2005, Viladrich and Cook-Martín 2008). As a consequence, Latin American migrants in general, and Argentineans in particular, have gradually lost their legal privileges to enter and settle in Spain. In practice, border crossing has become a challenging experience for many Argentineans, requiring more complicated bureaucratic procedures and resulting even in deportation (Coordinadora Estatal de Asociaciones Argentinas en España 2005, Viladrich and Cook-Martín 2008, Heguy 2009). As special privileges afforded to Argentineans are rescinded in Spanish legislation and practice, these migrants are increasingly forced into more precarious migratory experiences than used to be the case for previous arrivals. As a response, the Argentinean Government has accused Spain of ‘historical amnesia,’ arguing that it is willingly forgetting its debt with Argentina, which welcomed thousands of poor Spanish migrants in the nineteenth and twentieth centuries (Viladrich and Cook-Martín 2008). This argument, as we will see, has been echoed both by disaffected migrants and NGOs.

### Argentineans in Spanish nationality laws: a stronghold of belonging?

In contrast to the convoluted evolution of immigration laws and the increasing narrowing of immigration channels for non-EU nationals – in particular Latin Americans – Spanish nationality legislation has barely been modified in the last two decades. Spain has a ‘hybrid’ nationality regime (much like the rest of European countries) regulating access to membership through a combination of three principles: ancestry (*ius sanguini*), place of birth (*ius soli*) and place of residence (*ius domicili*). The conditions for acquiring Spanish nationality are summarised in Table 2.

The tenets of the Spanish citizenship legislation were established in the late 1970s during the transition to democracy. Changes introduced since 1979 have not modified the founding principles on which this body of legislation was originally based. While changes to the immigration laws have aimed at keeping non-EU migration out (in particular that coming from less industrialised countries), changes introduced in the nationality laws have followed a different logic: to grant EU citizens access to rights formerly reserved to Spaniards and to facilitate the naturalisation of the descendants of Spanish emigrants (Cano Bazaga 2004, Álvarez 2005). These changes have had further implications for the construction of the limits of the imagined Spanish community. As Cook-Martín argues, ‘[o]fficial categorizations constitute not only the law on the books, but have gradually become part of how people understand themselves in relation to particular nation-states’ (2006, p. 572).

As illustrated in Table 2, the process of naturalisation is easier for Latin Americans than for other immigrant groups. Differential paths in the access to nationality (and thus, to formal citizenship) rest on the perception that Latin Americans, particularly Argentineans, are a kind of distant relatives, ‘sons and daughters born outside of Spain’ (Viladrich and Cook-Martín 2008). The reflections of the Spanish Ambassador in Buenos Aires are illustrative of this point:

It isn’t just about the 240,000 Spaniards – most of them, at the same time, Argentineans – who live in Buenos Aires (the [Spanish] Consulate here is, according to its activity, the third Civil Registry in Spain) . . . It’s something much more sophisticated and deeper. Of course, there are huge differences between [Spaniards and Argentineans] . . . but it’s impossible not to recognise oneself, as if in a mirror, sometimes distorted, in the Argentinean people. (Rafael Estrella, Spanish Ambassador in Argentina, 1/24/2007; my translation)

Other authors have reflected on this representation of Argentineans as distant relatives or ‘Siblings of the Motherland’ (see also Murias and Novick 2005, Retis 2006, Vives-Gonzalez



Table 2. Access to citizenship for different groups according to main principle of application (2008).

Principle and general requirements	Requirements for Argentinean citizens
<i>Ius Sanguini</i> (blood ties / ancestry)	
Children born to Spanish-born citizens can be naturalised at any point in their lives. In some cases dual citizenship is recognised.	Same requirements as other national groups. Dual citizenship is recognised.
<i>Ius Soli</i> (birth in the national territory)	
Spanish nationality legislation grants Spanish citizenship to all children born in Spain to foreign parents whose state of origin does not recognise such children as their own nationals. In some cases, specific bilateral agreements grant access to Spanish nationality to children in the absence of such requirement.	Children born in Spain to Argentinean parent(s) may obtain Spanish citizenship at birth and enjoy dual Hispano-Argentinean citizenship.
<i>Ius domicili</i> (legal and uninterrupted residence in the national territory)	
After 1 year  Individuals born in Spanish territory; minors under custody of a Spanish-born citizen or a Spanish official institution for two consecutive years; foreigners married to a Spanish-born citizen, not divorced or separated; their widows and widowers, proven the couple was not divorced or separated at the time of the partner's death; children and grandchildren of Spaniards.	If lacking first- or second-degree Spanish ancestry Argentineans are required to reside in the country legally for two years.
After 2 years  Individuals with Ibero American, Equatorial Guinean, or Portuguese citizenship <i>from birth</i> . Sephardic Jews* are also considered under this provision.	
After 5 years  Refugees.	
After 10 years	
All other cases.	

Source: Spanish nationality legislation.  
\*See note 2.

2007). Spanish nationality law was founded upon this distinct relationship between Spain and its former colonies, something that has not changed despite Spain's entry into the EU. In fact, as Joppke (2005) observes, since 1985 Spain has tended to eliminate ethnic favouritism in immigration law, while maintaining it, and even reinforcing it, in access to citizenship. An example of this is the passing of the *Ley de Memoria Histórica* ('Law of historical memory') in 2008. This law facilitated access to citizenship to children of Spaniards who went into exile during the Civil War (1936–1939) and Franco's dictatorship (1939–1975), as well as to the grandchildren of those forced to renounce to their Spanish

citizenship in exile. While the changes made to the legislation are meant to repair part of the damage done during this period, Spanish legislators have failed to provide a response to the challenges and demands posed by the larger (and growing) immigrant population that has made Spain its home – a population that is asked to fulfil citizenship duties, but is deprived of citizenship rights (Cano Bazaga 2004, Álvarez 2005).

Argentineans in particular are caught in the contradiction between the evolution of immigration and citizenship legislation in Spain: immigration laws have tended to assimilate them into the larger group of ‘immigrants,’ while the citizenship legislation has reinforced their figure as a ‘returnees.’ The resulting tensions have provided Argentinean immigrants with important leverage in their negotiations with the government.

### **Reactions: Argentines’ claims for belonging and political activism**

It has been argued that immigrants’ political activism is a key form of civic participation shaping the legal rules that regulate life in the society of reception, be this through their impact on the immigration laws (Salyer 1995, Coutin 2003) or, more generally, on the laws framing the coexistence of different groups in a certain community (Ley 1995). The political activism of Argentinean migrants in Spain has had a strongly transnational approach – that is, it has been built upon discourses and practices that extend to two national spaces, Argentina and Spain (for a discussion on transnationalism, see Portes 2000, Glick Schiller 2005). Looking at this particular case, Margheritis has argued that the efforts of the Argentinean state to initiate and promote a transnational space with its citizens in Spain have predated, and in fact made possible, the ‘transnationalism from below’ of migrant grassroots organisations (2007). Other authors have preferred to highlight the foundations laid by previously existing organizations, mostly devoted to the defense of human rights in exile (Mira Delli-Zoti 2003, 2004, Jensen 2007, Mira Delli-Zoti and Esteban 2007).

In this section, I begin with an analysis of a series of in-depth interviews (see methodology section for further details) to explore how participants positioned themselves in relation to the local Spanish population. I then discuss how interviewees have instrumentalised these arguments to lobby for changes within the country’s legislation, and how their activities are to be understood in a transnational political field.

### ***‘I’m not an immigrant!’***

During the interviews with Argentinean migrants in Spain, it soon became evident that respondents were reluctant to be identified as ‘immigrants,’ despite being classified as such by Spanish laws. This rejection was so intense that some interviewees showed strong emotional reactions when placed in spaces commonly conceived as ‘immigrant spaces.’ For example, a man in his forties who migrated to Spain in 2004 said that upon his arrival:

I went to the employment office ... there was a line of immigrants that went all around the building (...). And ... well, I skipped it and asked the security guard where should I go, and he answered: ‘See this line of people, that’s where you have to go.’ But wait a second [I said]: I’m not black! [The security guard replied] ‘But some of them are also Ecuadorians,’ [and I said] but I am not an *indio*! (Manuel, permanent resident)

This refusal highlights to what extent the category ‘immigrant’ has moved well beyond its legal implications to become a socially stigmatising label with strong racial (and spatial) connotations. A young woman also pointed to this when comparing her experiences to those of other (visible) immigrants:

The few times someone's said something referring to my origin was (...) on the street during an argument, then instead of keeping it quiet I made a fuss, and then it's typical, 'you ought to be Argentinean' [because of my accent], that kind of thing. However, I have this Dominican friend, and with her I've seen things that never happened to me. She's not black, she's got dark skin, that's all. (...) And sometimes we've gone to the supermarket and the security guard has followed her to see if she was stealing, or also we went to school to pick up her kids and the other mums thought that she was the nanny. It's a different story. (Sara, returnee, Hispano-Argentinean)

These quotes illustrate the way Argentineans situate themselves (or are situated by others) in relationship to Spaniards. More specifically, when asked to elaborate on their relationship with Spain (both as a nation and as a state) respondents articulated their sense of belonging around three main arguments: historical ties, shared ancestry/ethnicity and desirability. These themes, interviewees argued, should shape present and future laws positioning Argentineans within Spanish society. This line of argument also echoed the official discourse of the Argentinean Government which, when trying to retain or gain back the support of its citizens abroad had used these same arguments to negotiate better treatment of its nationals on the part of the Spanish Government (Margheritis 2007, Viladrich and Cook-Martín 2008).

### *History, blood, desirability*

The most immediate way through which Argentineans claimed a space of their own within the imaginary of the Spanish nation was through the shared history of both countries. Sometimes, it was History with a capital H: impersonal, general, inter-state history, as in this fragment of an interview with an Argentinean undocumented immigrant in his fifties:

Spain has forgotten many things. Argentina opened the doors to Spaniards and Italians. They were part of society, but as equals, and Argentina at some point helped. We sent meat when Spain was having trouble.<sup>7</sup> (...) [Today] I think the Spanish Government is not being empathetic with the people that at some point, directly or indirectly, have helped Spain. (Juan, undocumented migrant)

Respondents used this 'official' history as a way of attacking the moral tenets of an existing immigration law perceived to hurt the interests of Argentineans. The argument was backed up by official discourses of historical injustice, used by the Argentinean Government at the time. Margheritis concludes that these discourses aimed to 'recover or maintain nationhood links with expatriates, especially with those who left around the time of the 2001 crisis and felt extremely disappointed by, and upset with, the country and the political elite' (2007, p. 97). But also, this History contrasted with other more intimate accounts involving personal stories, places, people, music, foods and smells – memories that linked individuals and places at an emotional level, for example in the case of a young woman raised by her Spanish family in Argentina:

My whole life I've heard stories about Spain. I loved to go to my grandma's place and ask her for the pictures, and spend hours asking her 'Who are these people?' 'What is this?' hearing them talking about this [Spain], right, and mainly about [the town where I live now], the fairs, the parties. When I arrived here I felt at home, I belonged here. (Aurora, returnee, Hispano-Argentinean)

In the interviews, History and personal stories were interwoven, and as both became more personal issues of ancestry emerged, bringing together migration experiences and legislation in both countries at different points in time. In migrants' accounts, citizenship was constructed in quasi-biological terms: ancestry (often referred to as 'blood') became a bridge to the Spanish nation and to its legitimate members ('citizens'). The discourse

around the implications of this 'special bond' again followed the general lines of official discourses that justified differential access to national territory and formal recognition as a member of the nation in both Spain and Argentina (Vives-Gonzalez 2007, Viladrich and Cook-Martín 2008, Cook-Martín and Viladrich 2009). Often, 'European blood' or 'Spanish blood' was meant to be a status, supporting the argument that Argentines imagined themselves more as a part of Europe than of Latin America (Dodds 2000, Viladrich and Cook-Martín 2008). Most interviewees noted that this discourse on the Europeaness of Argentines was a commonplace in their country of origin – in particular in the capital, Buenos Aires. Once in Spain, the daily reality of discrimination against non-European visible minorities further encouraged a distinction between Argentines (specially *Porteños*) and other non-EU immigrants based on their (lack of) European ancestry (see also Viladrich and Cook-Martín 2008).

In summary, history and ancestry were deployed by the participants to construct the Argentinean national as equivalent, although not identical, to the Spaniard – 'a distorted mirror of ourselves' (Estrella 2007). This perceived ethno-racial similarity grounds the final argument that supported respondents' claims for belonging: the desirability of Argentines over other groups of newcomers. To build this argument, migrants' narratives turned away from the past and focused on the present – more particularly, on the public discourse about the kind of migration that would benefit Spain. The figure of 'the Argentinean immigrant' (constructed as white, usually from the urban middle classes, highly educated, with professional qualifications and a similar culture, religion and language as Spaniards) benefited from its comparison to other migrants more visible and assumedly less skilled (Sarribé Pedroni 2000, Murias and Novick 2005, Retis 2005, Viladrich and Cook-Martín 2008, Cook-Martín and Viladrich 2009). Participants proved to have a sophisticated understanding of the ideology surrounding the immigration debate in Spain, presenting themselves as the model community that would easily integrate into the national economy without threatening the (constructed) cultural, linguistic, religious and ethno-racial homogeneity of the nation. These arguments, often found in popular discourse, underscore Spanish laws and integration programmes, as well as experiments of 'immigration by design' such as the case of the recruitment of more than 20 Argentinean families to settle in the Spanish town of Aguaviva in 2002 (Gil Araujo 2006a, Retis 2006, Viladrich and Cook-Martín 2008, Cook-Martín and Viladrich 2009).

For a number of participants, in particular those from Buenos Aires, the differentiation between Argentines and other Latin Americans was crucial to articulate the desirability argument. The shadow of the phenotype – taboo in debates around immigration in Spain – loomed large in our conversations. Instead, interviewees marked the boundary between Argentines and the rest of Latin Americans at the level of culture. Often, respondents constructed a description of 'other' Latinos as rural, illiterate and economically motivated immigrants that contrasted sharply with the image of the Argentinean as urban, educated and less focused on the material aspects of everyday life. For example:

[t]he Argentinean community [in Spain] is different from the rest of Latin Americans. Peruvians, Bolivians, they come to make money and when they have enough they return to their countries and open a business. The Argentinean [immigrant] comes and in general I think they want to stay. They have a different worldview. (Pilar, political activist)

These arguments (history, ancestry and desirability) were instrumentalised in participants' political struggles, aimed at improving the situation of Argentines in the Spanish legislation.

***Putting these arguments to work: Argentinean political activism in Spain, 2006***

The history of Argentinean political activism in Spain is as old as Argentinean migration to the country. Building upon the work of previous generations of political exiles from the 1970s (studied in Mira Delli-Zoti 2004, Jensen 2007, and Mira Delli-Zoti and Esteban 2007), between 2000 and 2006 the number of organisations seeking to advance the rights of Argentinean residents in the country has increased rapidly. The surge of Argentinean immigration in the early 2000s triggered the creation of a number of new organisations that integrated into an existing network of well-established ones, and benefited from the efforts of the Argentinean Government to win back its citizens in the country (Margheritis 2007). In 2006, there were at least 60 organisations that claim to represent Argentinean immigrants' interests in Spain. Argentineans were also the main force behind several associations of people with Spanish ancestry whose mandate was to advance the rights of the children and grandchildren of Spanish emigrants. These organisations followed somewhat divergent lines of action, but all emphasised the importance of the bilateral treaties that (should) allow Argentineans to migrate to Spain freely and access Spanish citizenship more easily than other groups.

The oldest and most established of the organisations studied was the *Casas Argentinas* – in fact, a network of organisations with branches in several Spanish cities. For a long time one of the main goals of the *Casas* has been to find and prosecute members of the governments of Isabel Perón and the military dictatorship who escaped justice. The legacy of legal activism resulted in an intense engagement of the organisation to protect the rights to which post-2001 Argentinean immigrants were legally entitled, but not granted. The most active of the *Casas*, located in Madrid, showed a high level of internal organisation and counted roughly a thousand members. In 2006, it promoted numerous activities, at times in collaboration with the Argentinean embassy or consulate in the city (Mira Delli-Zoti 2003, personal communication, 15 October 2006, Margheritis 2007). Re-founded in 2002, in 2003 this *Casa Argentina de Madrid* organised a conference that ended with the 'Madrid Manifesto,' in which several lawyers and academics concluded that Spanish immigration laws were 'ethically obscene (because they do not respect minimum ethical principles), politically dangerous (because they often use xenophobic arguments) and judicially inadmissible (because they violate numerous human rights)' (Actis *et al.* 2005, p. 243; my translation).

Regarding the changes to the Spanish immigration laws that applied to Argentinean nationals, the *Casas* criticised the Spanish Government for neglecting four bilateral treaties between Spain and Argentina: the Treaty of Acknowledgement, Peace and Friendship passed in 1863; the Emigration Convention signed in 1948; the Double Citizenship agreement of 1969 and the General Treaty of Cooperation and Friendship between the Kingdom of Spain and the Argentinean Republic, signed in 1988 (Actis *et al.* 2005). These four treaties together established that Argentineans in Spain and Spaniards in Argentina were entitled to enter, reside and engage in economic activities under the same conditions as the citizens of the receiving country, following some simple paperwork. The claim that the Spanish Government had a legal obligation to abide by these treaties was also supported by the umbrella organisation for Argentinean organisations in Spain (Coordinadora Estatal de Asociaciones Argentinas en España 2005). So far, these campaigns have not succeeded. However, the collaboration between the *Casas* and the Argentinean Government since 2001 enabled the latter to somehow improve its image amongst its citizens in Spain. A key event was the 2005 amnesty, where both worked to

provide support and legal advice to Argentines who wished to regularise their situation in the country (Margheritis 2007, Viladrich and Cook-Martín 2008).

On the other hand, more recently established organisations, working on the assumption that the europeanisation of the immigration law is an unstoppable process, have focused their efforts on reinforcing and extending Argentines' access to Spanish nationality (and thus, to citizenship rights) – an area of the legislation on which the EU has no jurisdiction (Viladrich and Cook-Martín 2008). Newer organisations have enjoyed less official support than the *Casas*, although their activities have also taken place in a transnational field, to the point that boards of directors often count members residing both in Spain and in Argentina (personal communication, 12 September 2006, 15 October 2006). I interviewed representatives of two organisations, the *OIDE* (International Organisation of Descendants of Spaniards, previously *Nietos Esperando*) and *Hijos y Nietos de Españoles* (Children and Grandchildren of Spaniards).

At the time of the interviews, these two organisations were run by Argentines (although it is worth noting that their membership is open to all nationalities). The organisations' official goals were: first, to have a new and unified Nationality Act passed, modelled on the Italian Nationality Act, that would protect descendants' access to citizenship; second, to eliminate the distinction between Spaniards by birth (who could pass on their citizenship to their descendants) and by acquisition (who could not); and third, to ensure that descendants' claims are processed independently from all other nationality claims to ensure greater expediency. Despite the gap between goals and achievements so far, the pressure they put on the government was key for the passing of the *Ley de Memoria Histórica* in 2008, mentioned above. Another key factor for this, as a canny activist noted, were the more than 250,000 Spanish voters living in Argentina.<sup>8</sup>

Despite these common objectives, the goals of these two organisations diverged often. For example, the greatest chasm between *OIDE* and *Hijos y Nietos* emerged in relation to a six-month visa that would allow the grandchildren of Spanish emigrants to enter Spain with a work-seeking visa. If within those six months the *immigrant* could prove the existence of an employer willing to hire them, they would be granted a resident and work permit for 1 year, and their stay in the country would be regulated by the same laws as other non-EU migrants. When discussions to implement this permit began, the *OIDE* actively engaged in the negotiations with the government, while *Hijos y Nietos* refused to participate. A member of *OIDE* interpreted this as a discussion of whether descendants should or should not accept to be treated as immigrants:

[these temporary visas for grandchildren] have the advantage that they would help many Latin Americans, who for economic or political reasons want to migrate, to do it, and do it legally. But the disadvantage is that if we accept the visas, then we are accepting we are foreigners [*extranjeros*]. Since [these visas] can help some grandchildren, we accept [them], but that created a lot of tensions with other organisations. In fact, we stopped talking to each other for a while. (Pilar, political activist)

Note that even in this context the interviewee refused to apply the term 'immigrant' and instead used 'foreigner,' which in the Spanish context often refers to white non-Spaniards.

In summary, the Argentinean activists that participated in this study had appropriated the public discourse that portrayed them as insiders or returnees in Spain. By using the three main arguments (history, ancestry and desirability) and exposing the contradictions within the national legislation on immigration and citizenship, and between these laws and the popular conceptions of Argentines, these immigrants built the foundation for a political engagement that aimed to protect Argentines' rights where the EU cannot enter: nationality legislation. For that they built their strength on the work of the



Argentinean state which, in an attempt to gain back the support of their disaffected citizens abroad, triggered 'the institutionalization of transnational social spaces in general, and to the development of [transnational migrant] organizations in particular' (Margheritis 2007, p. 88).

### Discussion and conclusions

This article opened with a quote where Benedict Anderson described the modern nation as 'an imagined political community – and imagined as both inherently limited and sovereign' (1991, p. 6). The limits of this construct are not, however, stable, and immigration and citizenship laws emerge as a critical field for the study of the struggles and the actors involved in their negotiation (Luibheid 2005). In this article, I have sought to contribute to the study of some of the processes through which the boundaries of the nation are established. For that I have chosen a context where the institutions in charge of settling and patrolling the boundaries of the nation have been challenged by a sudden growth of the immigrant population, Spain; and the struggles of an immigrant group that is losing its privileged position in the country's immigration law, Argentines.

The migration of Argentines to Spain happens in the context of a post-colonial relationship (Esteban 2003, Izquierdo Escribano *et al.* 2003, Joppke 2005, Cook-Martín 2006, Cook Martín and Viladrich 2009). One way or the other, most colonial powers have implemented preferential citizenship regimes with their colonies, most of which survived political independence. These regimes were designed to respond to specific contexts. Yet things have changed, and currently EU member states have little interest in facilitating immigration from the Global South. In particular, for top receiving countries from Southern Europe – Spain among them – migration has become one of the most controversial topics in political debates. At a time when immigration has been constructed as a threat to the survival of the nation, the Spanish state alternates between selecting those immigrants that are 'closer to us' (such as Argentines) and trying to put an end to non-EU migration altogether. Both options are highly problematic: on the one hand, ethnic selectivity draws from a cultural fundamentalism that is too close for comfort to a new kind of racism, and undermines the principles of Human Rights by which all European states must abide (Stolke 1995). On the other hand, the historical, political and economic relation between Argentina and Spain is strong, making it impossible for this migration to stop anytime soon despite irregular border control practices (Coordinadora Estatal de Asociaciones Argentinas en España 2005, Viladrich and Cook-Martín 2008).

Tensions emerging from states' selection of migrants converge with those that result from the dynamics of policy-making. The evolution of different areas of public policy is not always seamless: as the case under study shows, it is possible that immigration and nationality laws evolve in diverging, even opposite directions. This is because the state is a fragmented actor dependent on the labour of a group of individuals and institutions acting in a transnational field – and not the result of a unique source of power and decision-making (Mountz 2004).

It has been shown that, in an attempt to gain back the loyalty of its disaffected citizens in Spain, the Argentinean state has been key in creating a transnational field for the circulation of discourses where political activism in Spain could flourish (Margheritis 2007; see also Viladrich and Cook-Martín 2008). But the state is not the only actor in this process, as analyses of migrant organisations in the country have shown (Mira Delli-Zoti 2003, 2004, Jensen 2007, Mira Delli-Zoti and Esteban 2007). Migrants themselves have an agency that is often missing from the studies on policy-making in the area of migration and nationality legislation. Bringing this agency into sight has been one of the main goals of

this discussion, which has focused on a group of Argentinean migrants' negotiation and manipulation of official discourses, lobbying and participation in Spanish politics to resist their blending into the growing pool of racialised 'immigrants.'

At the level of the discourse, participants' resistance to changes made to Spanish legislation meant the articulation of claims for belonging that draw on historical duty, shared ancestry and unfulfilled political promises. At the level of political struggle, the use of these arguments has taken root in a transnational field initiated by previous waves of exiles since the 1970s and promoted by state interventions after 2001 (Mira Delli-Zoti 2003, 2004, Jensen 2007, Margheritis 2007, Mira Delli-Zoti and Esteban 2007). Political activism resulted in a protection and even expansion of the rights of those immigrants with Spanish ancestry, many of whom are Argentinean-born. These migrants' impact in national politics supports research done to date arguing that migrants can, and do change, the political and legislative context of reception (Ley 1995, Coutin 2003, Margheritis 2007). We need to pay more attention to how immigrant political activism impacts the institutional context in Southern European countries that are still defining their relationship with rapidly growing foreign populations.

The terms of this relationship are far from settled. In her pioneering study of Spanish immigration laws in 1998, Calavita was struck to find 'a series of contradictory policies that say one thing and do another' (p. 530). She blamed these contradictions on globalisation, the construction of the immigrant as 'the quintessential "other,"' the rapid modernisation of Spanish economy, and the country's entry into the EU. As respondents in this study demonstrate, 10 years later – with the foreign-born now constituting more than 11% of the population – such contradictions have not been resolved.

Tensions noted in earlier studies of Spanish public policy (see Joppke 2005) endure; the gap between immigration and nationality legislation has in fact widened since the country joined the EU. As we have seen, the trend towards equal treatment of all non-EU immigrants has not been paralleled in nationality law, which has tended to reinforce the privileges of Latin American immigrants in Spain. While the impact that the EU has had on the economy, politics and migration dynamics of Southern European countries have been well documented (Laffan 1996), a question remains: what has the EU meant for the re-drawing of the symbolic borders of Southern European nations, and how has europeanisation impacted the movement of people to and from their former colonies? Twenty years after the beginning of the immigration era in Southern Europe, a comprehensive comparative analysis of this sort has yet to be undertaken.

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### Notes

1. Among the most compelling arguments are those made by feminist political geographers and scholars in postcolonial studies. See for example the collection edited by Staeheli *et al.* (2004), Luibheid (2005) or McClintock (1995).

2. A number of scholars have noted that immigration and nationality laws are key sites for the study of national projects, marking the limit between those who are included in the nation and those who are excluded from it, defining the parameters for the selectivity of foreigners, and even working as population policies (Favell 2001, Ley and Hiebert 2001, Gil Araujo 2006b).
3. According to the 2008 electoral census, there were 264,952 Spaniards registered in Argentinean consulates. The second biggest Spanish community abroad was in France with 160,631 members (Oficina del Censo Electoral 2008).
4. For a discussion on the differential treatment of immigrants from the Global South and from Europe, see for example de Lucas (1999) or Santamaría (2002).
5. Prior to the change in the Spanish nationality laws in June 2007, only the daughters and sons of Spanish-born citizens who had not come of age could obtain Spanish citizenship through the *ius soli* option. On the other hand, Italian citizenship can be obtained by up to fourth generation descendants of Italian citizens, provided that the process starts with the person closest to the Italian-born emigrant.
6. Sephardic Jews are a subgroup of the Jewish family. They were originally from the Iberian Peninsula, and had to leave Spain or convert to Catholicism under the rule of the Catholic Isabel de Castilla y Fernando de Aragon after 1492. In 1497, they were also expelled from Portugal.
7. This respondent is referring to the food that the Argentinean government sold to Spain between 1947 and 1955, at the height of the economic crisis that followed the Spanish Civil War (1936–1939). The supplies included wheat, corn, meat and cooking oil that the Argentinean Government agreed to sell to Franco's Government at a low price, despite the opposition of the international community. Voices against this trade warned that this was a form of support towards the dictatorial regime. International pressures and the worsening of the relationships between the Spanish and the Argentinean Governments led to a decrease in the trade after 1950 and its final cancellation in 1955 (Cisneros and Escude 2000).
8. Nuñez Seixas (2002) has argued that despite the importance given to absentee voters in Spanish electoral campaigns, the actual impact tends to be lower than expected, mainly due to lack of participation.

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