



## ARGENTINE MIGRATION LAWS IN ENGLISH

Law 25871

Argentine Migration Policy.

Rights and Duties of foreign people. Powers of the State. Admission of foreign people in the Argentine Republic and the exceptions. Entrance and departure of people. Duties of the international means of transport. Stay of foreign people. Legal and illegal issues of stay. Procedure of the sources. Competence. Taxes. Argentine people abroad. Authority of implementation. Complementary and transitory dispositions.

Sanctioned: 17th. December of the year 2003.

Promulgated in fact: January 20th. of the year 2004.

The Senate and the Chamber

The Senate and Chamber of Deputies of the Argentine Nation met in the Congress, etc. sanction with Law force:

LAW OF MIGRATIONS

PRELIMINARY TITLE

# ARGENTINE MIGRATORY POLICY

## CHAPTER I

### SCOPE OF APPLICATION

ARTICLE 1° — The admission, the entrance, and the stay are ruled by the dispositions of the present law and its regulations.

ARTICLE 2° — For the purpose of the present law, we understand that an –immigrant□ is a foreigner who wishes to enter, travel, live or to stay in a definitive, temporary or transitorily way in the country in accordance with the legislation in force.

## CHAPTER II

### GENERAL PRINCIPLES

ARTICLE 3° — The aims of the present law are:

- a) To settle the fundamental political lines and establish the strategical basis regarding migration, and accomplish the international commitments of the Republic related to human rights, integration and mobility of the migrants.
- b) To contribute with the achievement of demographical policies of the National Government regarding the extent, rate of increase and geographical distribution of the population in the country;
- c) To contribute with the enrichment and strengthening of cultural and social fabric of the country;
- d) To guarantee the exercise of the right of reunification of the family;
- e) To promote the integration in the Argentine society of people who have been admitted as permanent residents;
- f) To guarantee that all the people who require to be admitted in the Argentine Republic in a permanent or temporary way, enjoyment of the judgment and proceedings of admission, which are non-discriminatory regarding the rights and securities established by the National Constitution, international treaties, bilateral agreements in force and laws;

- g) To promote and spread the duties, rights and guarantees of the migrants, in accordance with what is established by the National Constitution, international commitments and the laws, keeping the humanitarian tradition in a high level and open regarding the migrants and their families;
- h) To promote the insertion and integration to work market of the immigrants that live in a legal way to take the best advantage of the personal and work capacities in order to contribute with the economical and social development of the country;
- i) To facilitate the entrance of visitors of the Argentina Republic in order to motivate the commerce, tourism, cultural, scientific and technological activities and international relations;
- j) To promote the international order and justice, refusing the entrance and/or the staying in the Argentine territory to people involved in acts criminally repressed by our legislation;
- k) To promote the interchange of information in the international sector, and the technical assistance and training of the human sources, in order to prevent and fight against the organized international crime in an efficient way.

#### TITLE I

#### OF RIGHTS AND DUTIES OF THE FOREIGNERS

#### CHAPTER I

#### OF RIGHTS AND FREEDOM OF FOREIGNERS

ARTICLE 4° — The right of migration is essential and inalienable of the person and the Argentina Republic guarantees what is based on the principles of equality and universality.

ARTICLE 5° — The state will guarantee an effective equality of treat in order that the foreigners can enjoy his rights and fulfill his duties, every time they satisfy the established conditions for his entrance and staying, in accordance with the laws in force.

ARTICLE 6° — The State in all its jurisdictions, will guarantee the equal entrance to the immigrants and his families in the same conditions of protection, support and rights of the nationalists, particularly what is referred to social services,

public property, health, education, justice, work, employment and social security.

ARTICLE 7° — In no case the migratory irregularity of a foreigner will stop his admission as a student at an educative institution, even if it is public or a private one; national, provincial or municipal; primary, secondary, higher education or university. The authorities of the educative institutions must offer orientation and counseling regarding the corresponding proceedings in order to rectify the migratory irregularity.

ARTICLE 8° — In no case, the rights for health, social assistance and medical assistance will be denied or restricted if the foreigner requires them, no matter the migratory condition they have. The authorities of the medical institution must offer guidance and counseling regarding the corresponding proceedings for the purpose of rectifying the migratory irregularity.

ARTICLE 9° — The migrants and their families will have the right to be provided by the State information regarding:

- a) Their rights and duties regarding the laws in force;
- b) The requirements established for his admission, staying and leaving;
- c) Any other issue that allow or facilitate the accomplishment of administrative formalities or any other kind of subject in Argentina Republic.

The authority of application will adopt all the measures that he considers to be accurate in order to spread the before mentioned information and, in the case of migrant workers and their families, also watch that this information is being supplied by employers, labor unions or other organs or institutions. The required information will be free of charge for the foreigners that require it, and if it is possible, in a language that they can understand.

ARTICLE 10. — The State will guarantee the right of family reunification of the immigrants with their parents, spouse, minor single sons/daughters or eldest sons/daughter with different capacities.

ARTICLE 11. — The Argentina Republic will facilitate, in accordance with national and provincial legislation in this

matter, the consultation or participation of the foreigners in the decisions regarding public life and administration of the local communities where they reside.

ARTICLE 12. — The State will fulfill with all what is established in the international conventions and all other that establish the rights and duties of the migrants, that would had been properly ratified.

ARTICLE 13. — The effects of the present law it will be considered as discriminatory all the acts or omissions determined by reasons such as, ethnic group, religion, nationality, ideology, political and union opinion, sex, gender, economical position, of physical characteristics, that arbitrarily prevent, block, restrict or in any way reduce the full exercise on equal bases of the main rights and warranty recognized in the National Constitution, the International Treats and the laws.

ARTICLE 14. — The State in all its jurisdictions, national, provincial or municipal will favor the initiatives tending to the integration of the foreigners in their communities of residence, specially focusing on:

- a) Carrying out the courses of Spanish language in schools and foreign cultural institutions legally recognized.
- b) The spreading of useful information for the accurate insertion of the foreigners in the Argentine society, particularly the one related to rights and duties.
- c) The knowledge and the evaluation of the cultural, recreational, social, economical and religious expressions of the immigrants;
- d) The organization of the training courses based on judgments of cohabitation in a multicultural society and the prevention of discriminatory behaviors, for managers and government employees and private entities.

ARTICLE 15. — The foreigners that are admitted in the country as —permanent residents□ can bring their personal effects, household and goods for the car, free of charge taxes, extra charges, rates of importation and any kind of contributions, with the implications and up to the amount determined by the Executive Power.

ARTICLE 16. — The action of the State regarding all the necessary and effective measures in order to eliminate the labor contract in the national territory of immigrants in an irregular situation, including the imposition of disciplinary sanctions to the employers, will not reduce the rights of the immigrants workers towards their employers regarding their employment.

ARTICLE 17. — The State will supply the corresponding actions and implementations of the tending measures to regularize the migratory situation of the foreigners.

## CHAPTER II

### OF DUTIES OF THE INMIGRANTS AND POWERS OF THE STATE

ARTICLE 18. — Without prejudice of the rights enumerated in the present law, the migrants must comply with the duties announced in the National Constitution, the related International treaties and the laws in force.

ARTICLE 19. — Regarding any foreigner, the Republic of Argentina can guide him, in the following points:

- a) The access to limited categories of work, functions, services or activities, when they are necessary for the benefit of the State;
- b) The election of a paid activity in accordance with the legislation related to the conditions of acknowledgement of professional qualifications acquired outside the territory;
- c) The conditions by which, having been admitted in an employment, he can after that be authorized to do freelance jobs, taking in consideration the term of legal residence in the country and other conditions established in the regulations.

## TITLE II

### OF THE ADMISSION OF FOREIGNERS TO THE ARGENTINA REPUBLIC AND ITS EXCEPTIONS

#### CHAPTER I

#### OF THE CATEGORIES AND ADMISSION OF THE CATEGORIES AND TERMS OF ADMISSION

ARTICLE 20. — The foreigners will be admitted to enter and stay in the country in the categories of —permanent residents□, —temporary residents□, or —transitory residents□. Until the corresponding proceedings are formalized, the

authority of application can grant an authorization of —unstable residence□, which will be revocable by the same one, when the reasons that were taken into account to grant it were divested of citizenship. Its validity will be for one hundred and eighty (180) continuous days, which can be renewed, until the resolution of the required admission, and will allow its holders to stay, leave, and re-enter to the national territory, work and study during the term of duration.

The extension and renewal of the —unstable residence□ do not generate a right to a favourable resolution regarding the required admission.

ARTICLE 21. — The requirements for the entrance to the country that are requested in the national territory or in a foreign country will be done in accordance with the conditions of the current law.

ARTICLE 22. — It will be considered as a "permanent resident" every foreigner that, with the purpose of establishing permanently in the country, can obtain from the —Dirección Nacional de Migraciones□ (National Head Office of Migrations) an admission of that kind. Moreover, it will be considered as permanent residents, the immigrant's relatives of Argentine citizens, natives or by option, meaning the spouse, sons/daughters and parents.

The sons and daughters of the Argentine natives or by option that would be born in a foreign country are recognized with the condition of permanent residents. The authorities will allow the free entrance and staying in the territory.

ARTICLE 23. — It will be considered as —temporary residents□ all those foreigners that, under the conditions that the regulations will establish, enter to the country in the following subcategories:

a) Migrant worker: those who enter to the country in order to works in a legal activity, a paid one, with authorization to stay in the country for a maximum of three (3) years, extendable with multiple entrances and departures, with permission to be employed;

b) A person with earned income: who will afford the staying in the country with his own sources brought from a foreign country, of the profits that they would make or of any other

legal income from external sources. It could be granted a term of residence up to three (3) years, extendable with multiple entrances and departures;

c) Pensioner: who receives from a government or from international institutions or from particular companies for services done in a foreign country, a pension, which amount will allow a regular and permanent income in the country. It could be granted a term of residence up to three (3) years, extendable, with multiple entrances and departures.

d) Investor: who will invest his own goods in order to carry out activities for the interest of the country. It could be granted a term of residence up to three (3) years, extendable, with multiple entrances and departures .

e) Scientists and specialized staff: who perform scientific activities, of investigation, technical or of counseling ones, contracts made by public or private entities in order to perform jobs of their specified activity. In the same way, directors, technicians and administrative staff of public and private foreign entities of commercial and industrial kind, transferred from the foreign country in order to cover specific posts in their companies and that accrue fees or wages in the Argentine Republic. It could be granted a term of residence up to three (3) years, extendable, with multiple entrances and departures.

f) Sportsman and artists: with contracts made in accordance with the specific activity, by individuals and corporations that develop their activities in the country. It could be granted a term of residence up to three (3) years, extendable, with multiple entrances and departures.

g) Members of a religious order of officially recognized worship, with legal personality issued by the Ministry of Foreign Affairs, International Trade and Worship that enter to the country in order to develop activities related to worship exclusively. It could be granted a term of residence up to three (3) years, extendable, with multiple entrances and departures.

h) Patients with medical treatments: in order to assist health problems in public or private medical institutions, with authorization to stay in the country for one year, extendable, with multiple entrances and departures. In the case of the

minor people, disabled or sick ones that because of the importance of the pathology must stay with companions, this authorization will be extended to direct relatives, legal representatives or curator;

i) Academics: for those who enter to the country because of academic agreements made among institutions of high education in specialized areas, under the responsibility of the superior center who made the contract. It could be granted a term of residence up to one (1) year, extendable for an identical term each one, with multiple entrances and departures.

j) Students: who enter to the country in order to attend to secondary, college, university or specialized recognized ones, like regular students in public or private educative institutions officially recognized, with authorization to stay in the country for two (2) years, extendable, with multiple entrances and departures. The interested person must demonstrate the application form of the educative institution where he will attend to the course and, for the consecutive renewals, certification of his condition of regular student.

k) Those who have been granted asylum: Those who are recognized as refugees or have been granted asylum will be authorized in order to reside in the country for two years (2) years, extendable for the times that the authorities of application related to asylum and refuge will consider it necessary, considering the circumstances determined by the legislation in force;

l) Nationality: Citizens from the State Members of MERCOSUR, Chile and Bolivia, with authorization to stay in the country for two (2) years, extendable with multiple entrances and departures (Note Infoleg: art. 1° of the Disposition N° 29.929/2004 of the “Dirección Nacional de Migraciones” (National Head Office of Migrations) O.B. 21/9/2004 it is considered that the detail of the countries included in the present section is stated and it must be considered as included, all the Party States and Associates of the Common Market of South (“MERCOSUR”)

- m) Humanitarian Reasons: Foreigners that relate to humanitarian reasons that receives a special treatment justified by the National Head Office of Migrations;
- n) Special ones: those who enter to the country for no specified reasons in the previous sections and that are considered of interest by the Home Office and the Ministry Of Foreign Affaires, International Trade and Worship.

ARTICLE 24. — The foreigners that enter to the country as —transitory residents□ could be admitted in some of the following subcategories:

- a) Tourists;
- b) Passengers in transit;
- c) Borderline neighborhood transit;
- d) International Transport Crew;
- e) Seasonal Migrant Workers;
- f) Academic;
- g) Medical Treatment;
- h) Special ones: Foreigners that relate to humanitarian reasons that receives a special treatment justified by the National Head Office of Migrations.

ARTICLE 25. — The foreigners accepted in the country as —temporary residents□ or —transitory residents□ will be able to stay in the national territory during the authorized staying term, with its corresponding extensions, with the obligation of leaving it when the before mentioned term is expired.

ARTICLE 26. — The proceedings, requirements and conditions to enter to the country, according to the mentioned subcategories, will be fixed in the Regulations of Migrations. If because of the responsibility of the involved organization, the proceedings would be delayed more than it was stipulated, the National Head Office of Migrations will have to take the corresponding measures in order to avoid that the foreigners, meanwhile they are waiting for the normalization of his residence in the country, would have any inconveniences due to such delay.

ARTICLE 27. — They are excluded in the field of the application of this law, with the condition of reciprocity, the foreigners that would be:

- a) Members of the diplomatic corps and consular officials authorized in the Republic, altogether with the other members of the permanent or special diplomatic Missions and of the consular offices and their families that, in accordance with the rules of the International Rights, will be free of the duties related to obtaining a migratory category of admission;
  - b) Representatives and delegates, altogether with the rest of the members and their families of the permanent Missions or of the Delegations before the Inter-governmental Organizations situated in the Republic or in International Conferences that will take place there;
  - c) Officials of the International or Inter-governmental Organizations with offices in the Republic, altogether with their families, to whom the treaties in which the Republic will be party exempt them of the duty of the consular visa;
  - d) Holders of Argentine diplomatic visas, official or of courtesy.
- If there is no Agreement or Treaty made by the Republic, the admission, entrance, staying and departure of the foreigners contemplated in the present article will be ruled by the dispositions that for that purpose will be established by the national Executive Power.

In the cases established in the present article the National Head Office of Migrations will merely control the documentation at the moment of the entrance and departure, giving evidence on the mentioned documentation of the measure of the entrance; of the date of the departure and the term of staying in the Republic.

ARTICLE 28. — The foreigners included in Treaties or Agreements of Migrations signed by the Argentine Republic will be ruled by what is established by them and by this law, in the most favorable supposed case of the migrant person. The principle of equality of treatment will not be considered as affected by the possibility that the State has, in accordance with the proceedings established in the Constitution and the laws, of signing bilateral treaties with a general and partial scope, that allow to deal with specific situations, like the neighboring labor migration, or for the possibility of establishing different outlines of treatment among the countries that, with Argentina, compound a region regarding

those countries that are in third post within the region process, with the priority of the necessary measures for the achievement of the final objective of the free movement of people in the MERCOSUR.

## CHAPTER II

### OF THE IMPEDIMENTS

ARTICULO 29. — The causes of impediments for the entrance and stay of foreigners in the National Territory:

- a) The presentation, before the authority, of national and foreign, material or ideologically false or adulterated documentation. The fact will be punished with a prohibition of re-entrance for a minimum term of five (5) years;
- b) To have a prohibited entrance, to have been the objective of measures of expulsion or prohibition of re-entrance, until those measures will be revoked or the term imposed for that purpose would have been fulfilled;
- c) To have been sentenced or serving a sentence, in Argentina or any other foreign country, or having records for arms trade, trafficking of in persons, drug trafficking or for laundering of money or investments in illegal activities or crimes that deserve for the Argentine legislation a punishment that restraints the freedom of the person for three (3) years or more;
- d) To have committed or participated in acts of government or any other kind, that constitute genocide, war crimes, acts of terrorism or crimes against humanity and any other act that can be judged by the International Criminal Court;
- e) To have a record for terrorism activities or for being a member of national and internationally recognized as being charged for actions judged by the International Criminal Court or by the law 23077, of Defense of Democracy;
- f) To have been sentenced in Argentina or had records for promoting or facilitate, with a lucrative purpose, the illegal entrance, stay or departure of foreigners in the National Territory;
- g) To have been sentenced in Argentina or had records for presenting documentation material or ideologically false or adulterated, in order to obtain a migratory benefit for himself or for a third party;

- h) To promote prostitution, take it as a profitable issue; to have been sentenced or had records, in Argentina or in a foreign country for promoting prostitution; with a lucrative purpose or for developing activities related to trafficking or sexual exploitation of persons;
- i) To intend to enter or had entered to the National Territory avoiding the migratory control or throughout a place or time not authorized for that purpose;
- j) The confirmation of the existence of any impediments of residence established in the present law;
- k) The non-compliance of the requirements demanded by the present law.

In the case of the subsection a) the Federal Government reserves the right to judge the person in the Republic when the fact relates to issues regarding the security of the State, to the international cooperation or to become a possible issue to relate the same one or to the facts that are charged upon them with other investigations carried out in the National Territory. The National Head Office of Migrations, with the previous participation of the Home Office, will be able to accept in the country, as an exception, foreigners included in the present article, for humanitarian reasons or for familiar reunification, in the categories of permanent or temporary residents, throughout a resolution based in each particular case.

### CHAPTER III

#### OF THE DOCUMENTS

ARTICLE 30. — The foreigners with permanent or temporary residence will be able to obtain the National Identity Card.

ARTICLE 31. — The applicants for refuge or asylum, with authorization of uncertain residence, can obtain their National Identity Card once they are recognized as —refugees□ or a —political refugee□ by the competent authority.

ARTICLE 32. — When the foreigners are authorized as —temporary residents□, the National Identity Card will be issued for the same term that will correspond to the granted migratory subcategory, renewable in accordance with the extensions that would be authorized.

ARTICLE 33. — In the preceding cases, the identifying document to be granted must have an expressed and visible notice of:

- a) The nationality of the holder;
- b) The permanent or temporary condition of residence in the country;
- c) The act in which the benefit was granted and the number of resolution;
- d) The term of authorized residence and expiration date.

### TITLE III

#### OF ENTRANCE AND DEPARTURE OF PEOPLE

##### CHAPTER I

##### OF ENTRANCE AND DEPARTURE

ARTICLE 34. — The entrance and departure of people to the national territory will be carried out exclusively throughout the authorized places by the National Head Office of Migrations, being these ones by land, river, sea or air, at this opportunity and place, they will be submitted to the corresponding migratory control.

The entrance to the country will be authorized to foreigners who do not meet all the requirements established by law and its regulations, when there are exceptional reasons of humanitarian kind, public interest or fulfillment of accomplishments acquired by Argentina.

ARTICLE 35. — Assuming that a person enter to the territory of the Republic with a foreign identity card which certifies his identity and it does not fulfill the conditions established by the regulations in force, and meanwhile it does not refer to a re-entrance due to a rejection from a third country, the procedure will be the immediate rejection in the frontier, preventing the entrance to the national territory.

Those rejections, that will be motivated by presenting of material or ideologically false documentation or if it has an apocryphal attestation, will imply a prohibition of re-entrance of five (5) years.

Without prejudice of the established proceedings in the present article, the National Government reserves the right to report the fact before the Federal Justice, when the issues related to the security of the State, to the international

cooperation are at risk, or if it is possible to relate the same one or the facts that are charge on them, with other investigations carried out in the national territory. When there is a suspicion based that the real intention of the entrance is different from the one stated at the moment of getting the visa or being at the migratory control; and until the same one is confirmed, the entrance to the Argentine territory will be not authorized and the person must stay at the entrance facilities. If it is necessary to preserve the health and physical integrity of the person, the migratory authorities, retaining his documents, will grant him a temporary authorization of stay that will not imply the legal entrance to the Argentina Republic.

Moreover, the transportation company will be notified of its obligation of driving him back is in force until the temporary authorization of residence will become a legal entrance.

If after the corroboration, the fact is confirmed, there will be an immediate cancellation of the temporary authorization of stay and the rejection of the foreigner.

The decisions made in accordance with the estimates of the first and second paragraphs of the present article will only be actionable from abroad the country, throughout an application made by the foreigner before the Argentine diplomatic missions or the offices abroad of the National Head Office of Migrations, from where they will be sent to the main office of the National Head Office of Migrations. The term for the application of the appeal will be of fifteen (15) days starting from the moment of rejection.

ARTICLE 36. — The migratory authorities will be able to prevent the leaving from the country to any person who does not hold the necessary documentation, in accordance with what is established by this law and its regulations.

ARTICLE 37. — The foreigner that enter to the Republic throughout a place which is not authorized for that purpose, or avoiding any kind of migratory control, will be expelled in the terms and conditions of the present law.

## CHAPTER II

### OF OBLIGATIONS OF THE INTERNATIONAL MEANS OF TRANSPORT

ARTICLE 38. — The captain, commander, ship-owner, owner, the person in charge of or responsible of any means of transport of people, to or from the Republic, even if it is by sea, river, air or by land transport, and the companies, firms mutually or owning agencies, operating organizations or consignees of means of transport will be mutually responsible of the driving and transport of the passengers and the crew in ruled conditions.

ARTICLE 39. — In the same conditions and terms, the people mentioned in the before article, will be responsible for the care and custody of the passengers and crew until the moment they have passed the migratory control examination and have entered to the Republic or until the documentation has been verified at the moment of departure.

ARTICLE 40. — When the migratory authority rejects the entrance of any person, captain, commander, ship-owner, owner, the person in charge of or responsible of the means of transport and the companies, firms or agencies, will be obliged to take the person back to his origin country or point of departure, or abroad from the territory of the Republic in the means of transport that he arrives, or if this is impossible, in other means, in accordance with the expiration term fixed, being in charge of the corresponding expenses.

ARTICULO 41. — The captain, commander, ship-owner, owner, the person in charge of or responsible of a means of transport of people with the country, or from it or in it, even if it is by sea, river, air or land, or the company, firm or owning agency, consignee, operating or responsible organization are mutually obliged to transport, and they have to afford the charges in the expiration fixed date, outside the Argentine territory or to the frontier point, this is for any foreigner whose expulsion is ordered and transport arranged by the migratory authority in accordance with the present law.

ARTICULO 42. — The preceding articles will be not applied in the case that the foreigners will request the status of refuge or asylum in the country; in these cases, the obligation of the people who are described in the articles 40 and 41 will be to notify immediately of such situation to the competent authority regarding refuge and asylum.

ARTICLE 43. — The obligation of transport established in the article 40 and 41, will be restricted to:

a) One (1) seat per trip, when the capacity of the means of transport does not exceed of fifty (50) seats in the international means of transport by air, sea, river or by land and in the internal ones, when the capacity does not exceed the thirty (30) seats;

b) Two (2) seats when the capacity of the means of transport is higher of the indicated one in the subsection a);

c) When the expulsion is motivated by failures in the documentation at the entrance of the foreigner detected at the moment of control and it would have to be done with custody, the company of transport used for the entrance will have to be in charge of the return ticket of the custody staff and the corresponding provisions for the journey.

In all cases, the corresponding system of interests would have to be clearly established.

ARTICLE 44. — The limit established in the previous article will not be in force when the people to be transported:

a) Is a member of a family group;

b) Must be transported by the same company that he had taken previously;

c) Is of the same nationality or of the registration of the means of transport that will be in charge of the transport.

ARTICLE 45. — The obligations arising from the articles 40, 41, 43 and 44, will be considered as of public charge.

ARTICLE 46. — The non-compliance of the provisions established in the present Title and its regulations, will be sanctioned by the National Head Office of Migrations, with a fine which amount will be the triple of the cost of the means of transport used from the origin point to the final destination in the national territory, of the value in force at the moment of making the fine. In no case the fines will be less than the equivalent of one thousand two hundred and nineteen (1,219) liters of diesel oil at the price subsidized for transport sector or in the case of absence of it at the lower price of the market for particular consumers at the day of making the fine; and neither they will be higher to the equivalent of thirty thousand four hundred and eighty seven (30,487) liters of diesel oil at

the cost subsidized for transport sector or in the absence of it at the lowest price of the market for a particular consumer at the day of making the fine.

In the case of delay in the payment of the fine, the corresponding interests will be carried.

ARTICLE 47. — The punishment will be mutually applied to the captain, commander, ship-owner, owner, the person in charge of or responsible of a means of transport of people entering to the country, or from it or in it, even if it is by sea, river, air or land, or the company, firm or owning agency, consignee, operating or the responsible organization.

The Home Office, throughout the proposal of the National Head Office of Migrations, will approve the regulating nomenclature of the amount of the fines imposed for the infringements to the provisions of the present title. For that purpose, there will be a consideration of the nature of the infringement, the legal condition of the infractor, his background and the fact of falling again in infringements to the present law or its regulations.

The National Head Office has the power to fix the way and method of payment of the fines that are imposed in accordance with the provisions of the present law.

ARTICLE 48. — In the case of non-compliance of the obligations established in the articles 40, 41, 43 and 44 of the present, the authority of imposition will be able to decide the temporary interdiction of leaving from the national territory, air space or waters under Argentine jurisdiction, regarding the corresponding means of transport.

The same one will be effective throughout the Auxiliary Migratory Police or the National Authority with jurisdiction under the means of transport.

ARTICLE 49. — It can be imposed collateral securities in cash or documentary ones to the the companies, firms or owning agencies, consignees, operating or the responsible organizations of any means of transport, as a guarantee of accomplishment of the obligations of driving back or transport that are imposed by the present law.

ARTICLE 50. — The authority of implementation will establish the amount of the securities and the arrangements, terms and

conditions of the performance, and requirements for its cancellation, refund or collection operation.

#### TITLE IV

#### OF THE STAY OF THE FOREIGNERS

#### CHAPTER I

#### OF WORK AND ACCOMMODATION OF THE FOREIGNERS

ARTICLO 51. — The admitted or authorized foreigners as —permanent residents□ will be able to perform any gainful or profitable job or activity, as self-employed or as an employee, being protected by the corresponding law. The admitted or authorized foreigners as —temporary residents□ will be able to perform them only during the term of the authorized stay.

ARTICLE 52. — The foreigners admitted or authorized as —transitory residents□ will not be able to perform gainful or profitable jobs, even if they are self-employed or employees, excepting the ones included in the subcategory of —seasonal migrant workers□ or apart from the ones that were exceptionally authorized by the National Head Office of Migrations in accordance to what is established by the present law or in Agreements of Migrations signed by the Argentina Republic. The foreigners authorized to have an uncertain stay will be able to work for the term and the modalities established by the National Head Office of Migrations.

ARTICLE 53. — The Foreigners that reside in an irregular way in the country will not be able to work or perform gainful or profitable jobs, as self-employed or as an employee, with or without dependence.

ARTICLE 54. — The foreigners will be kept updated, before the National Head Office of Migrations, throughout the way and terms established by the regulations, the details regarding his address, where all the notifications will be considered as valid ones.

#### CHAPTER II

#### OF THE RESPONSIBILITIES AND OBLIGATIONS OF THE PEOPLE THAT PROVIDE EMPLOYMENT, ACCOMODATION AND OTHER ISSUES

ARTICLE 55. — It is not allowed to provide accommodation against payment to foreigners that reside in an irregular way in the country.

Moreover, no person of ideal or visible existence, public or private, will be allowed to provide work or any gainful job, as a self-employee or as an employee, to foreigners that reside in an irregular way.

ARTICLE 56. — The implementation of the present law will not exempt the employer or the person who offer work from the compliance of the obligations that arise from labor legislation regarding the foreigner, no matter what the migratory condition is; moreover, the achieved rights of the foreigners will not be affected, as a consequence of the work already performed, whatever would be his migratory conditions.

ARTICLE 57. — Anyone who makes an agreement or agrees with foreigners that reside in an irregular way in the country regarding the purchase, sale or the implementation of tax on property, rights or property to be registered, or the implementation or integration of civil and commercial societies, will have to clearly inform it to the migratory authority.

ARTICLE 58. — The acts performed with the formal requirements related to the same ones will be considered as valid ones, even though there will not be a compliance of the requirements established in the previous article.

ARTICLE 59. — Those who infringe the dispositions established by the article 55, first paragraph of the present law, will be mutually sanctioned with a fine which arises to the amount of twenty (20) Minimum, Movable and Vital salaries for each foreigner who will be provided accommodation against payment.

Those who infringe the disposition established in the article 55, second paragraph of the present law, will be mutually sanctioned with a fine which amount will arise to fifty (50) Minimum, Movable and Vital Salaries for each foreigner, lacking in migratory authorization for working, and who is being provided a work or a gainful job.

The amount of the fine to be imposed will arise to the amount of one hundred (100) Minimum, Movable and Vital Salaries when work or a gainful job will be provided to non-emancipated or under the age of fourteen (14) years old foreigners.

The repetition will be considered as an aggravating circumstance of the infringement and it will increase the amount of the fine imposed up to fifty per cent (50%). If there is a request of the infractor, who proves the lack of enough financial resources, the National Head Office of Migrations will exceptionally, throughout a disposition, decide in this specific case, a decrease of the amount of the fine to be imposed or authorize its payment in installments. For that purpose, it will be considered the financial availability of the infractor and the possible reiteration that may occur regarding the issue. In no case the fine imposed will be lower than two (2) Minimum, Movable and Vital Salaries.

The Home Office is authorized to establish alternative mechanisms of punishments to the infringement stated in the present Title – of responsibilities of the employers, the people who give work and accommodation-, based on the protection of the immigrant, the assistance and the social actions.

ARTICLE 60. — The sanctions will be measured in accordance with the nature of the infringement, the person, the background regarding the subject and in the case of reiteration of infringements to the present law; the same ones will be accumulative and progressive.

## TITLE V

### OF LEGALITY AND ILLEGALITY OF STAY

#### CHAPTER I

#### OF DECLARATION OF ILLEGALITY AND CANCELLATION OF STAY

ARTICLE 61. — When the irregularity of stay of a foreigner in the country is confirmed, and considering the circumstances of the profession of the foreigner, his relationship with a national Argentine, the specified term of staying and other social and personal conditions, the National Head Office of Migrations will have to instruct him in order to regularize his situation in a fixed time limited for that purpose, under the warning to decide his expulsion. When the fixed term has expired and the situation is not solved, the National Head Office of Migrations will decide the expulsion with suspensive effect and will ask the participation and will also be a party before the Judge or Court with jurisdiction over the subject

matter of the case, regarding the revision of the administrative decision of expulsion.

ARTICLE 62. — The National Head Office of Migrations, without prejudice of the corresponding judicial proceedings, will cancel the residence that would have been granted, with the suspensive effect, no matter the length of the authorization, category or cause of admission and will decide the subsequent expulsion, in the following cases:

a) With the purpose of achieving a migratory benefit of the Argentine citizenship, there would have been a performance of a fact or a simulated act, or this one would have been performed with fraud to law or with lack of consent or would have been a presentation of documentation which shows to be material or ideologically false or adulterated;

b) The resident would have been judicially condemned in the Republic for a fraudulent crime that deserves the penalty involving personal restraint of more than five (5) years or registers a reiterative behavior in the commitment of crimes. In the first supposing fact, when the sentence has been fulfilled, it must pass a term of two (2) years for the definitive sentence of cancellation of residence, which will be based on the possible incursion on behalf of the foreigner in the preventions established in the article 29 of the present law. In the case of silence of the Administration, during the thirty (30) days after the expiration of the before mentioned date, the residence will be considered as firm;

c) The beneficiary of a permanent residence would have stayed outside the National Territory for a term of more than two (2) years or half of the agreed time, if it is regarding a temporary residence, with the exception of the case that the absence is due to the exercise of an Argentine public post or that it would have been generated for activities, studies or investigations that for the National Head Office of Migrations would be for the interest or for the benefit of the Argentine Republic or throughout of an express migratory authorization that can be requested throughout the Argentine consular authorities;

d) Moreover, there will be a cancellation of the authorized permanent, temporary or transitory residence when the reasons that motivated their approval have been changed or

when the staying in the country had been total or partially, direct or non- directly granted by the Argentine State and in the case that the conditions expressly established for the grant would not been accomplished or would be infringed;

e) The Home Office will be able to decide the cancellation of the permanent or temporary residence and the expulsion from the Republic of any foreigner, no matter the situation of the residence is, when he performs in the country or abroad, any of the activities established in the subsection d) and e) of the article 29 of the present law.

The Home Office will exempt the accomplishment of the established cancellation in accordance with the present article when the foreigner would be a father, son/daughter or spouse of an Argentine person, with the exception of a decision accurately made by the migratory authority.

Besides, such exemption will be granted, considering the term of legal or immediate stay, previous to the causal factors established in the subsections a) to d) of the present article, which will not be less than two (2) years, and there must be a consideration of the personal and social circumstances of the beneficiary party.

ARTICLE 63. — In all the possible events predicted by the present law:

a) The cancellation of the residence causes the request to leave the country within the fixed term or the expulsion from the National Territory, considering the facts and personal circumstances of the interested person, in accordance with what is established by the regulations;

b) The expulsion has the implicit prohibition of permanent re-entrance or for a term that in no case would be less than five (5) years and it will be graduated regarding the importance of the motivating cause. Such prohibition would be only decided by the National Head Office of Migrations.

ARTICULO 64. — The firm and consented administrative acts of expulsion decided regarding foreigners that are in an irregular situation, will be immediately executed in the following cases:

a) Foreigners serving a penalty involving personal restraint, after the accomplishment of the assumed events established in

the separate paragraph I and II of the article 17 of the Law 24660 that would correspond to each circumstance. The execution of banishment will make the penalty, originally imposed by the Court of the jurisdiction, to be fulfilled;

b) Foreigners who are under judicial proceedings, in the case they had a firm sentence of conditional execution. The execution of banishment will make the penalty, previously imposed by the Court of the jurisdiction, to be fulfilled;

c) The judicial proceedings of a foreigner that has a firm and consented administrative order of expulsion, in which case it will not be granted the benefit of suspension of the judgment on test or curative measures these ones will be replaced by the execution of banishment, and the charge imposed to the foreigner will be considered as fulfilled.

ARTICLE 65. — Neither a foreigner, nor a relative of him will be deprived of the authorization of residence or will be expelled for the unique event of not fulfilling an obligation from an agreement of work, unless the fulfillment of that obligation constitutes a necessary condition for such authorization or permission.

ARTICLE 66. — The foreigners and their families will not be the objective of measures of collective expulsion. Each case of expulsion will be examined and decided individually.

ARTICULO 67. — The expulsion will not be diminish by itself any of the rights of the migrant in accordance with the national legislation, including the right of receiving salaries and other corresponding services.

ARTICLE 68. — The interested person will have the reasonable opportunity, even after departure, to claim the corresponding issues regarding payment of salaries and other services, also to fulfill the pending obligations. The cost of expulsion proceedings of the migrant or his relative will be in charge of the authority of implementation of the measure. It can be required from him the payment of his travel charges from the point of departure to the place of destination, without prejudice of what is established in Title III.

ARTICLE 69. — For those foreigners that are not allowed to leave the country due to a judicial disposition, the migration

authority will grant them —uncertain residence□  
authorization.

## CHAPTER II

### OF PROVISIONAL REMEDIES

ARTICLE 70. — When the expulsion of a foreigner is firm and consented, the Home Office and the National Head Office of Migrations will request to the judicial authority of the jurisdiction to order his retention, throughout a founded resolution, for the only and unique effect to fulfill it.

Exceptionally, when the characteristics of the case will justify it, the National Head Office of Migrations or the Home Office will be able to request to the judicial authority the retention of the foreigner even in the case that the expulsion order is not firm and consented.

When the retention is carried out and in the case that the retained foreigner adduces to be the father, son/daughter, or spouse of a native Argentine, only in the case that the marriage would had been celebrated before the act that would motivate the resolution, the National Head Office of Migrations will have to suspend the expulsion and verify the existence of the adduced relationship within a fixed limited time of forty eight (48) working hours. If the relationship is confirmed to be true, the foreigner will recover immediately his freedom and it will be started, regarding the same one, an investigation proceeding of migratory regularization.

In all cases the time of retention will not exceed the strictly necessary one in order to carry out the expulsion of the foreigners.

When the retention is carried out, it will be immediately informed to the court that had ordered it.

ARTICULO 71. — When the retention of the foreigner is carried out, the authority of implementation will be able to decide his temporary freedom under collateral security or promissory oath which will be fixed in each case, when the expulsion cannot be fulfilled in a prudential term or in the case of existence of causes that justify the issue. Such decision must be reported immediately to the Federal Judge of the jurisdiction.

ARTICLE 72. — The retention will be fulfilled by the members of the institutions of the —Policia Migratoria Auxiliar□ (Auxiliary Migratory Police), who will accommodate the detained people in its facilities, or where the National Head Office of Migrations decides to do it, until their departure from the national territory.

When due to security reasons or for personal conditions of the expelled person, the custody to the place of destination becomes necessary, the migratory authority will be able to decide and require it to the Auxiliary Migratory Police. In the case of necessity, medical assistance can also be required.

ARTICULO 73. — The people, companies, firms, associations or societies that would require the entrance, the stay or the regularization of the migratory situation of a foreigner in the country, will have to submit enough security, in accordance with what is established in the regulations.

#### TITLE VI

#### OF APPEALS PROCEDURE

#### CHAPTER I

#### OF APPEALS PROCEDURE

ARTICLE 74. — Against the decisions of the National Head Office of Migrations with a definitive character or that totally prevent the proceedings of claim or demand of the interested person and against the speakers, of just a formality, that injury subjective rights or a legitimate interest, in these cases, there will be a revision at administrative and judicial offices, when:

- a) The admission or the stay of a foreigner is refused;
- b) The authorization of permanent, temporary or transitory is cancelled;
- c) The foreigner is warned to leave the country or his expulsion is ordered;
- d) There is a decision of the implementation or execution of fines and securities is decided or its execution;

ARTICLE 75. — The administrative acts that decide about the issues previously detailed can become an object of an Appeal of Reconsideration.

Such appeal will be lodged against the acts ordered by the National Head Office of Migrations and will be solved by it.

In the case that the act would have been ordered by a representative authority, this one will solve the issue, without prejudice of the right of retrieval of the mentioned Head Office, unless the representation would had finished at the time of the deduction of the appeal, in this assumed case the delegating party will solve it.

The Appeal of Reconsideration must be deducted within the ten (10) working days of the relevant notification of the act and before the same institution that has decided about it.

ARTICLE 76. — The authority of the jurisdiction must decide about the deducted Appeal of Reconsideration, within the thirty (30) working days of its application. After the expiration of that term, and without having a decision about it, it can be considered as tacitly refused, without the necessity of requiring early processing.

ARTICLE 77. — The Appeal of Reconsideration has the implicit Appeal fixed before a higher administrative authority in assistance, in the case of decisions made by the representative authority. In accordance to that issue, when the reconsideration would have been refused – expressly or tacitly-, the proceedings must be lodged in the National Head Office of Migrations within the term of five (5) working days, by operation of law - supposed express refusal – or by the party request – supposed silence.

Within the five (5) working days that it has been received by the National Head Office of Migrations, the interested person will be able to improve or increase the grounds of the appeal.

ARTICLE 78. — The administrative acts that decide on the issues detailed in the article 74, can also become an object of Appeal fixed before a higher administrative authority to be lodged before the issuer authority of the act that has been appealed within the fifteen (15) working days of clear notification and will be lodged by operation of law and within the term of five (5) working days to the National Head Office of Migrations.

The before mentioned Institution will have to decide about the Appeal fixed before a higher administrative authority, within the thirty (30) working days starting from the reception of the proceedings.

The application of the Appeal fixed before a higher administrative authority does not require the previous deduction of the Appeal of Reconsideration. If the latter has been brought, it will not be indispensable to found the Appeal fixed before a higher administrative authority again.

ARTICLE 79. — Against the acts established by the National Head Office of Migrations in the terms of the Article 74, it will proceed by the option of the interested party, the administrative appeal to a superior court or the corresponding judicial appeal.

ARTICLE 80. — The choice of judicial means will make to loose the administrative one; but the application of appeal to a superior court will not prevent to discontinue it in any of the status in order to promote the judicial proceeding and also will not hinder the articulation of it, once the administrative appeal has been solved.

ARTICLE 81. — The Home Office will be competent in order to definitely decide on the appeal to a superior court.

ARTICLE 82. — The application of administrative or judicial appeals, in the predicted cases of the article 74, will suspend the execution of the established measure until it will be firm.

ARTICLE 83. — In the cases which are not predicted in this Title, the dispositions of the law 19549 and the Decree N° 1759/72 and its modifications will be additionally applied.

ARTICLE 84. — When the administrative means are exhausted throughout the appeal of reconsideration, the appeal fixed before a higher administrative authority or the appeal lodged to a superior court, it remains the means of quick judicial appeal.

The term for the application of the corresponding appeal, will be of thirty (30) working days, starting from the reliable notification of the interested party.

ARTICLE 85. — The interested party will be able to judicially request the order of early proceedings, which will be proper when the administrative authority had allowed the expiration of the fixed terms, or in the case that these ones do not exist, in the case that this would have happened in a period of time that exceeds the reasonable one to give an opinion.

When the request has been brought, the judge must issue regarding its merits, considering the circumstance of the case, and if he considers it as appropriate, he will require the involved administrative authority a report about the causes of the delay appealed for, fixing a limited time for it. The judicial decision cannot be questionable.

When the requirement is answered or the term to do so has expired, without having the corresponding decision, the judge will make the corresponding decision regarding the delay and order – if this is the case – that the responsible administrative authority deliver the proceedings within the term fixed in accordance with nature and complexity of the pending case.

ARTICLE 86.- The foreigners that are in the national territory and demonstrate a lack of financial resources , will have the right to a free of charge legal assistance in those administrative and judicial proceedings that can lead to the refusal of his entrance, go back to his origin country or the expulsion from the Argentine territory. Also, they will have the right to have the assistance of an interpreter/s if they do not understand or do not speak the official language. The regulations regarding the present, in the case they would be established, will have to preserve the exercise of the Constitutional Right of defense.

ARTICLE 87.- The impossibility of payment of the established rates for the application of the appeal cannot be an impediment in order to accede to the appeal procedures established in the present Title.

ARTICLE 88.- The impossibility of payment of the established rate for the application of the appeals, cannot be an impediment in order to accede to the appeal procedures established in the present Chapter.

ARTICLE 89.- The judicial appeal established in the article 84, and also the consequent participation and decision of the judicial institution with jurisdiction over the matter, will be limited to control the legality, due proceedings and the reasonability of the act, which motivated the objection.

## CHAPTER II

### OF THE REVISION OF DECISION-MAKING ACTS

ARTICLE 90.- The Home Office and the National Head Office of Migrations will be able to revise, by operation of law or by the request of the party its own decisions and the ones from the representative authorities. The decisions will be reviewed when there is a verification of cases of error, omission, or clear abuse of discretion, infringements to the due proceedings, or when new facts of enough entity justify such measure.

### CHAPTER III

#### OF COLLECTION OF FINES

ARTICULO 91. — The fines imposed due to what is established in the present law, must be paid within the term, in the place, way and use ruled by the regulations.

ARTICLE 92. — Against the decisions that decide the sanction, fine or security, there will an application of the Appeal filed before a higher administrative authority established in the articles 77 and 78, or the judicial one in the article 84 of the present law. The latter will have to be filed with the clear guarantee of the previous deposit of the fine or the fulfillment of the imposed security.

ARTICLE 93. — When the imposed fines in accordance with the present law had not been paid within the fixed time, the National Head Office of Migrations will take action for the judicial collection, by means of fiscal execution, within the term of sixty (60) days of having been set fixed.

The certification made by that institution will be the enough execution title for that purpose. The Federal Justice will be competent for the understanding in the execution means.

ARTICLE 94. — For the objectives assumed in the previous article, and in the cases that there is a necessity to appear before judges and courts, the National Head Office of Migrations will have the legal capacity to appear in court.

ARTICLE 95. — The domiciles by choice in the corresponding administrative proceedings will be valid in the judicial proceedings.

### CHAPTER IV

#### OF THE EXTINGUISHMENT

ARTICULO 96. — The infringement repressed with fines, will expire in two (2) years.

ARTICLE 97. — The extinguishment will be interrupted for the commitment of a new infringement or for the consequence of administrative or judicial proceedings.

#### TITLE VII

##### COMPETENCE

ARTICLE 98. — The National Courts of First Instance in Federal Administrative Proceedings or the Federal Courts from provinces of the country will be competent in order to understand what is established in the Titles V and VI, until the creation of a specific forum in migratory matters.

#### TITLE VIII

##### OF CASH RATES OF SERVICES

ARTICLE 99. — The national Executive Power will determine the acts of the National Head Office of Migrations which will be taxed with cash rates of services, establishing the amounts, requirements and ways of collection.

ARTICLE 100. — The services of migratory inspection or control that the National Head Office of Migrations perform in not-working hours or outside its facilities, for the international means of transport that arrive or leave the Republic, will be taxed by the rates fixed by the Executive Power for that purpose.

ARTICLE 101. — The funds collected from the rates regarding the present law, will be deposited in the place and way established by the regulations.

#### TITLE IX

##### OF ARGENTINE CITIZENS ABROAD

ARTICULO 102. — The government of the Argentine Republic will be able to sign agreements with the States where Argentine emigrants reside in order to guarantee the equality or assimilation of the labor rights and social security that rule in the receiving country. Moreover, such agreements will have to guarantee the emigrants the possibility of making the remittance of funds for the support of relatives in the Argentine Republic.

The Executive Power will be able to suspend the benefits granted by the present law regarding the nationals of those countries that have restrictions established for Argentine

citizens staying in those countries that seriously affect the principle of reciprocity.

ARTICLE 103. — Every Argentine person with more than two (2) years of residence abroad that decides to come back to the country will be able to deliver his belongings for labor activity free of rights of importation charges, rates and contributions and other charges, as well as his car, personal and household belongings until the amount fixed by the competent authority, until the amount and the range established by the national Executive Power.

ARTICLE 104. — The embassies and consulates of the Argentine Republic will have the necessary services in order to keep the Argentine people living abroad informed regarding the exemptions and other allowances to return to the country.

## TITLE X

### OF THE AUTHORITY OF IMPLEMENTATION

#### CHAPTER I

##### AUTHORITY OF IMPLEMENTATION

ARTICLE 105. — The authority of implementation of the present law will be the National Head Office of Migrations.

ARTICLE 106. — The public powers will stimulate the strengthening of the associative movement among the immigrants and will support the trade unions, business organizations and the non-governmental organizations that, without profitable intention, will benefit the social integration, offering help according to their possibilities.

#### CHAPTER II

##### OF THE NATIONAL HEAD OFFICE OF MIGRATIONS

ARTICLE 107. — The National Head Office of Migrations will be the institution of implementation of the present law, with competence over the admission, authorization of residence and its extension, in the National Territory and abroad, being able to establish for that purpose, new delegations with the aim of authorizing permissions of entrance; extension of stay and changes of qualifications for foreigners. Besides, it will control the entrance and departure of people in the country and will control the stay and the police power of foreigners all over the territory of the Republic.

ARTICLE 108. — The National Head Office of Migrations will be able to delegate the exercise of its duties and powers of the National Head Office of Migrations in the institutions that constitute the Auxiliary Migratory Police or in other national, provincial or municipal authorities, which will act in accordance with the rules and directives ordered by that one.

#### CHAPTER III

#### OF THE RELATIONS OF THE NATIONAL HEAD OFFICE OF MIGRATIONS

#### WITH OTHER ENTITIES AND ORGANIZATIONS

ARTICLE 109. — The governors of the provinces and the Head of the Government of the City of Buenos Aires, in their characters of natural authorized officials of the Federal Government, will provide the necessary issues in order to assure the fulfillment of the present law in their corresponding jurisdiction, and will appoint the organizations that will help with that purposes with the National Head Office of Migrations.

ARTICLE 110. — The federal courts will inform the National Head Office of Migrations about the citizenship cards granted and their cancellation in a fixed time of no more than thirty (30) days, in order that this National Head Office can update the records.

ARTICLE 111. — The competent authorities that grant the Death Certificate of foreigners will have to inform it to the National Head Office of Migrations in a fixed time of fifteen (15) days, in order that this one can update the records.

#### CHAPTER IV

#### OF MIGRATORY RECORDS

ARTICLE 112. — The National Head Office of Migrations will create those records that become necessary for the fulfillment of the present law.

#### CHAPTER V

#### OF THE AUXILIARY MIGRATORY POLICE

ARTICULO 113. — The Home Office will be able to agree with the governors of the provinces and the Head of the Government of the City of Buenos Aires regarding the exercise of duties of the Auxiliary Migratory Police in their

corresponding jurisdictions and the authorities and provincial organizations that will fulfill them.

ARTICLE 114. — The Auxiliary Migratory Police will be integrated by the —Prefectura Naval Argentina□ (Argentine Naval Prefecture), the —Gendarmeria Nacional□ (National Gendarmerie), the —Policia Aeronáutica Nacional□ (National Aeronautical Police) and the —Policía Federal□ (Federal Police), which in such duties, will be obliged to offer to the National Head Office of Migrations the required collaboration.

ARTICLE 115. — The National Head Office of Migrations, throughout the charge of a percentage produced by the rates or fines that will result from the implementation of the present law, will afford the charges that the Auxiliary Migratory Police would render, the representative authorities or others that it would had made agreements, for the fulfillment of the agreed duties.

## CHAPTER VI

### CRIMES TO THE MIGRATORY ORDER

ARTICLE 116. — There will be a punishment of imprisonment or confinement from one (1) to six (6) years for the one who would commit, promote or facilitate the illegal trafficking in persons from, or with destination to the Argentine Republic. It will be understood as illegal trafficking in persons, the action of carrying out, promote or facilitate the illegal crossing, throughout the national borders limits, with the purpose of achieving a benefit in a direct or indirect way.

ARTICLE 117. — There will be a punishment of imprisonment or confinement from one (1) to six (6) years for the one who would promote or facilitate the illegal stay of foreigners in the Territory of the Argentine Republic with the purpose of achieving a benefit in a direct or indirect way.

ARTICLE 118. — The same punishment will be imposed to whom, throughout the lodging of material or ideologically false or adulterated documentation, will require for a third party any kind of migratory benefit.

ARTICLE 119. — — There will be a punishment of imprisonment or confinement from TWO (2) to EIGHT (8) years for the one who perform the behavior described in the present

article, applying violence, intimidation, swindle or abusing from the necessity or from the lack of experience of the victim. (Article replaced by the art. 15 of the Ley N° 26.364 O.B. 04/30/2008)

ARTICLE 120. — The fines described in the present chapter will be aggravated from three (3) to ten (10) years, when some of the following circumstances have been verified:

- a) If that circumstance becomes a habitual activity;
- b) If an official or public officer in exercise will participate in the fact or in the occasion of their duties or in the abuse of his labor post. In this case he will be also imposed with absolute perpetual disqualification to be in public posts.

ARTICLE 121. — The fines established in the present chapter will be aggravated from FIVE (5) to FIFTEEN (15) years, when the life of the migrant would have been put at risk, as well as his health or his integrity or when the victim has the status of a minor; and from EIGHT (8) to TWENTY (20) years when the trafficking in persons would had been carried out with the purpose of committing acts of terrorism, drug trafficking activities or money laundering.

(Article replaced by the art. 16 of the Law N° 26.364 O.B. 04/30/2008)

## TITLE XI

### COMPLEMENTARY AND TRANSITORY PROVISIONS

ARTICLE 122. — The present law will be in force from the moment of its publication. When the entry into force of the present law has been occurred, its regulations will be applied even in the cases that a firm decision would be pending until that date.

ARTICLE 123. — The elaboration of the regulations of the present law will be in charge of the authority of implementation.

ARTICLE 124. — The law 22.439, its regulatory decree 1023/94 and all others rules contrary to the present law will be revoked, nevertheless they will keep its validity and force until the last one will be put in force with its regulations.

ARTICLE 125. — None of the provisions of the present law will exempt the foreigners of the obligation of fulfilling with the

national legislation and of the obligation of respect the cultural identity of the Argentine citizens.

ARTICLE 126. — Report this to the Executive Power.

PERFORMED IN THE CHAMBER OF SESSIONS OF THE ARGENTINE CONGRESS, IN BUENOS AIRES, ON THE SEVENTEENTH DAYS OF THE MONTH OF DECEMBER OF THE YEAR TWO THOUSAND AND THREE.

— REGISTERED UNDER THE NUMBER 25.871 —

EDUARDO O. CAMAÑO. — DANIEL O. SCIOLI. — Eduardo D. Rollano. — Juan Estrada