

The Policy Gap: Argentina's Current Migration Law and Realities for Bolivian Migrants

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## **Abstract**

Policymaking intentions compared to law in practice are inevitably varied. One of the purposes of gap studies is to examine the breach between policy and reality. This research adopts the structure of a gap study to understand exactly how Argentina's 2004 New Migration Law is different in practice than it is written in law. The law grants social services, including health care, to all migrants within the country, regardless of migratory status. However, in reality, this law does not function ideally. The research identifies how the gap in policy and practice exists and explores a specific example of how the rift affects immigrants' access to the health care system. Bolivian migrants in Argentina are specifically subject to the effects of the policy gap due to social and political discrimination and racism. To complete the study, a qualitative data analysis method was employed. News sources published in Argentina before and after the implementation of the New Law were utilized as primary sources. Through diligent application of codes, a structure was applied to the textual data that allowed for a cohesive and comparative analysis. The findings show that discrimination has persisted in several ways despite the implementation of the anti-discriminatory New Migration Law. First, stigmatization of immigrants by the government through words, actions, and policymaking. Second, the attitudes represented by policymakers are mirrored in society, with racism and the use of derogatory language serving as examples of informal discrimination that persists. Continued discrimination represents the gap in policy, and the health care system is one area where immigrants contend with the effects of the gap. Stigmas act not only as social challenges, but also as barriers to the health care system for Bolivian migrants.

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## Introduction

Immigration policy has historically been, and continues to be, a highly contested issue within the political spheres of many countries. It is centered around the debate of foreign populations within a country and the rights that they are to receive. The dispute over these policies and the discrimination that results from them often distracts from the fact that each immigrant is an individual, likely in a vulnerable situation due to their migratory status. This research will focus on migrant populations in Argentina, a country with an extensive history of immigration. In a similar way that the United States oversimplifies its past of colonization and domination of non-white cultures, Argentina considers its population to be a “melting pot” of people – *el crisol de razas*. However, with the amalgamation of cultures comes more likelihood for discrimination and inequality.

This study will focus on the New Migration Law, implemented in 2004 in Argentina. It is a progressive law that recognizes the right to migrate as a human right. It grants access to employment, education, and social and medical assistance to migrants within the country, no matter their migratory condition (*Ley 25.871* 2004). This means that any immigrant, whether documented or undocumented, will have access to these basic human rights. It has the goal of criminalizing discrimination and works to create a society that more effectively incorporates migrants. This was a substantial shift from the hostile policy that had been in place since 1981, which had more liberally given power to the government to deport undocumented immigrants (Albarracin 2003, 6).

The New Migration Law applies to individuals migrating to Argentina from any region, although in recent years, Argentina has received a significant amount of Latin American migrants. Bolivia borders Argentina to the north and is a major contributor to the number of immigrants in the country. According to a 2017 United Nations report, the population of Bolivian immigrants

living in Argentina was about 435,000, and this number continues to rise each year (United Nations 2017). Although the anti-discriminatory New Migration Law provides legal protection for all immigrants, these populations are often economically and socially vulnerable to informal discrimination. Pizarro (2008) identifies factors that contribute to vulnerability that migrants experience, specifically regarding Bolivian immigrants in Argentina. The living situations of immigrants are characterized by lower income, lower education levels, and labor-intense jobs. These factors, combined with structural capitalist influences and xenophobia, can contribute to discrimination and psychological vulnerability for Bolivian immigrants. Due to these influences, it is important to question and evaluate the level to which the current migration law protects immigrants from inequities not just in law, but in practice as well. One important aspect of the New Migration Law is the inclusion of access to medical care through the public sector of the health care system. However, even several years after the 2004 law had been implemented, there are examples in the existing literature of Bolivian immigrants reporting discrimination within the health care system. According to interviews conducted with Bolivian migrant women, Geiger and Pécoud summarize that,

...Some felt that Bolivian patients had to wait longer than Argentines regardless of the order of arrival or the urgency of care...some were denied service because of a lack of documents...some felt that the nurses were rude to them just because they were Bolivian... Bolivian women talked of being looked down upon because of their darker complexion or being ridiculed because of their inability to communicate well in Spanish (Geiger and Pécoud 2013, 169).

Access to medical assistance is one of the most essential services granted by the law, although the legal promise of care does not always ensure equality.

This research aims to explore how the implementation of the New Migration Law in 2004 has shifted the inequalities that Bolivian immigrants experience in Argentina. It will use the

inequities that arise due to social and structural discrimination in the process of accessing health care as a way to understand how the law has, in reality, encouraged new discriminations. The research explores one central question: how do various forms of discrimination against Bolivian migrants living in Argentina persist despite the implementation of the anti-discriminatory New Migration Law in 2004? To narrow the focus, the supporting question will be applied: what are the outcomes of this continued discrimination within the health care system? With these two questions, the former will act as the structure and central support for the research. The latter establishes a lens that can be used to grapple with the effects of a shift in migration policy on a more distinct, tangible level.

## **CHAPTER I – Background**

### *Argentina: a European Influenced Country*

To understand and explain the social dynamics of Argentina today, it is important to recognize its history as a country highly influenced by European ideals and populations. Spanish Empire colonization began to impact the existing indigenous populations inhabiting the land that would later become Argentina in the 16th century. Over time, the European agenda continued to push out native populations, especially throughout the 19th century. Between the years 1881 and 1914, a total of 4.2 million European immigrants poured into Argentina, contributing to the large percentage of the European descendants that make up the population today (Texidó 2008, 13). The trend continued and, in 1914, almost 30% of the inhabitants of Argentina were recent immigrants, although only 8% of this group were made up of immigrants from bordering countries, including Bolivia (Cerrutti 2009, 12). This implies that a large percentage of the remaining immigrant



population was still coming from overseas, specifically Europe. The lasting effects of extensive European immigration can be seen in the current population. A National Institution of Health report identifies 78% of the current Argentine population to be ethnically European (Seldin et al. 2007, 2).

The substantial influx of new European citizens to Argentina in the 19th century served as the foundation for systems and structures of society that would become the Argentine State. Argentina's history of European immigration is unique in that the preference for European immigrants was, in part, written into the constitution but was largely based on the cultural assimilability of groups to the already predominantly white population. The government was at liberty to decide which groups exhibited "the desirable traits of 'modernity'," and encouraged the immigration of those that fit the standards (FitzGerald and Cook-Martín 2014, 300–301). Selectivity effectively became a way for Argentina to become a country composed of citizens that the European population found to be desirable, culturally and economically. Legal European preferences, written into the Argentine Constitution of 1853, remain formally expressed in law (304). Taking the patterns of early migration into consideration, in combination with the neglect to formally remove the legal preferences for white immigration, there are lasting effects of selectivity on the perception of non-white citizens.

### *Immigration Policy*

Within the last century, Argentina's history of immigration policymaking has fluctuated depending on leadership. However, the country has only undergone two major changes to the structure of immigration policy in the last 40 years, the first being the Videla Law in 1981. The 1976 coup d'état resulted in a military dictatorship that lasted until 1983. The Videla Law was

implemented two years before the fall of the military junta and was rooted in xenophobic and restrictive principles. As an example of these principles woven into the law, “This new migration policy sought to prevent migration from neighboring countries and gave Argentinian authorities the power to control and expel this category of migrant” (Bastia and vom Hau 2014, 483). The Argentina that existed under the Videla Law did not work to integrate Bolivian, Paraguayan, and Peruvian migrants into its society and economy, as it did with Italian and Spanish immigrants. Instead, the government reinforced ‘invasion’ stigmatizations tied to these populations (484). It is clear that the New Migration Law, despite taking decades to implement, was enacted as the antithesis of the previous migration law. It changed policies such as migrants without documents not having the right to work, and authorities targeting immigrants without legal status.

The New Migration Law, implemented in 2004, shows several fundamental differences from the Videla Law. It is a drastic change from a restrictive policy to a law that is based on human rights and does not discriminate on migratory status. This law essentially opened Argentina’s borders to immigrants without documentation and ended the longstanding cycle of immigrant blaming and deportations. Although there have been small changes to immigration law in Argentina since 1981, this is the first fundamental shift and rethinking of how the country perceives and receives immigrants.

There are two key articles written into the law that are integral to this research. The first is Article No. 13, the anti-discrimination article, which generally characterizes any restriction of rights based on identity to be discriminatory. It states:

ARTICLE 13. — All acts or omissions determined on grounds such as ethnic group, religion, nationality, ideology, political opinion, sex, gender, economic position, or physical characteristics, that arbitrarily prevent, block, restrict or in any way reduce the full exercise on an equal basis of the fundamental rights and guarantees recognized in the National Constitution, International Treaties, and laws will be considered discriminatory (*Ley 25.871* 2004).

This is the article that implies social and legal discrimination to be unlawful. Although the claims of this section have the potential to be impactful, they are not concretely supported by enforcement. To consider the law with the interest of health care in mind, Article 8 of the New Migration Law specifically pertains to these services. It says:

ARTICLE 8. — In no case will the rights for health, social assistance, and medical assistance 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 to rectify the migratory irregularity (*Ley 25.871 2004*).

There are two implications of article 8 that should be addressed. First, it suggests that any person within the borders of Argentina will be able to access the medical care that they require. It is progressive in the sense that very few countries in the world boast availability of resources such as health care for all migrants. Second, the latter part of the article implies that undocumented migrants will be assisted in the process of gaining legality. There are systematic and administrative complications to these processes that can interfere with the realization of the goals established by this article. The complex nature of the health care system acts as a barrier to the practical implementation of health care rights.

### *The Bolivian Population of Argentina*

The population of Bolivian-born immigrants in Argentina has been steadily increasing, especially since the 1990s (Cerrutti 2009, 14). The most notable factors contributing to the incentive for migration from Bolivia to Argentina have been economic and work-related for the last century. The expansion of the agriculture industry in the North was a pull during the early 1900s (Benencia 2002, 457), although, with the continued development of industry and demand,

work has remained a motivating factor for many immigrants. An international migration survey conducted in 2002-03 shows that 48.3% of Bolivian immigrants migrate due to work and labor motives (Cerrutti 2009, 44). According to the 2001 National Census, about 60% of these immigrants live in the province of Buenos Aires. A considerable percentage of Bolivians in Argentina live in the northern region, with 10% and 12% in the provinces of Salta and Jujuy, respectively.

Although these facts give context to the immigrant populations living in Argentina, the realities and individual stories of each migrant are more complex than how characterizing statistics frame them. It is important to remember that each migrant carries their own struggles and successes. This reality is often lost in the collective framing of immigrants by policymakers, or the social stereotypes associated with immigrants. Unfortunately, Bolivian immigrants experience discrimination due to several factors. In a national 2013 survey, 44% of the population identified Bolivian immigrants as the most discriminated against migrant group in Argentina (“Mapa Nacional de la Discriminación” 2014, 95). This is a relatively objective measure of discrimination, but there is still something to be said about the high vote that they received. Sabarots (2002) highlights the “invasion” or “social problem” mentality that is tied to immigration, specifically analyzing racism against Bolivian immigrants as part of his study done throughout the 1980s and 90’s. His article identifies an immigrant blaming culture that exists, the effects of which appear in the stigmatization of immigrants. Sabarots establishes the term “cultural distance,” or the establishment of space between groups that are assimilated to the native culture and groups that maintain their own culture. He identifies cultural distance as an instigator of discrimination, although he argues that racism and xenophobia against Bolivian immigrants are not present solely because of the cultural distance. Sabarots concludes that the widely accepted notion that ‘illegal’

immigrants are culpable for their own situations exacerbates the separation that comes with the cultural distance (104).

Part of the motive for racism against Bolivian populations comes from the fact that a large part of the population of Bolivia is of indigenous descent. Assumptions based on phenotype are some of the root causes of racism. The 2012 National Census indicates that 41% of people over 15 years old living in Bolivia identify as being part of one of the recognized indigenous groups of Bolivia (Instituto Nacional de Estadística 2012, 50). Indigenous identity as it relates to the Argentine national identity is an important factor in understanding the social dynamics of the country. In addition to being an important part of Bolivian culture, indigeneity is correlated with an identifiable phenotype that can be recognized as different from the Argentine European-influenced phenotype.

The “invisibilization” of indigenous groups in Argentina, a term used by Gordillo and Hirsch, can be seen in several aspects of Eurocentric society. Similar to the United States, one example of “invisibilization” can be seen in school textbooks. “For decades, school textbooks emphasized the cultural homogeneity (i.e. Europeanness) of the country and had a token chapter on the tribes that ‘used’ to inhabit it” (Gordillo and Hirsch 2008, 5). This past-tense nature often used to describe indigenous populations marginalizes the populations that presently exist in Argentina, which creates issues with adequate representation in policymaking. In the context of this research, policies pertaining to health care do not fully consider the needs of indigenous and immigrant populations.

### *The Health Care System*

The health care system will be the domain in which the research will understand some of the effects of the New Migration Law. In discussing the health care system, there are two factors to consider. One is the ability of groups to access the system, and the other is the interaction between patients and providers that take place within the system. This research focuses on immigrants' ability to access the health care system as reported in the media and the stigmas and laws that may act as barriers during the process. The health care system of Argentina is split into the private, social security, and public sectors. These sectors function to ensure that, in theory, the entire population will have access to care. In reality, the system has several shortcomings including decentralization of the public sector (Rubinstein et al. 2018, 204). Decentralization leaves power split between national and provincial governments. Another challenge is the fragmentation of the system as a whole. This means that in reality, the system does not function cohesively, and therefore each province functions independently in the financing and delivery of health services. This lack of coordination results in considerable differences in the quality and funding for health care in each region.

The public sector will be the main focus of this research since the majority of Bolivian immigrants access health care through this sector. The public health care division is responsible for providing care to the population of Argentina that is not already covered by some sort of private insurance. It is funded by public taxes and the federal budget. Only 21% of the Bolivian immigrant population of Argentina has health care through a private or social security service (Cerrutti 2009, 55), which means that 79% rely on the public health care system for medical care. This is a considerably higher percentage than the overall population, 36% of which are not otherwise

covered and use the public sector (Novick 2017, 93). The public sector is where the health care system experiences the most variability in quality, mostly due to differences in levels of funding.

The effects of decentralization are amplified within the public system, where the responsibility of funding falls to each province. The high variation between the economic development of each region influences the quality of care that they can offer. Unfortunately, the regions that are characterized by a low-income population also experience lower levels of funding for public health care because the public sector is largely supported by public taxes. These populations are also more likely to contend with the public sector. For individuals without a formal job that provides health insurance, the public sector is the only option. Although Argentina's system is progressive in that every person should theoretically have access to medical assistance, the realities and faults of the system disproportionately affect low-income populations. This is the case for the majority of the Bolivian migrant population of Argentina. Although not all immigrants from Bolivia follow this track, the majority work in agriculture jobs in the northern provinces of Salta and Jujuy (Benencia, 2007, 457). These jobs do not provide health care, which leaves these populations to contend with the overcrowded and underfunded public sector.

### *Conceptual Background: Defining Discrimination*

The term "discrimination" is a broad and all-encompassing way to describe unfair treatment of groups in a variety of settings based on an identity that results in a disadvantage. In the realm of international law, McKean (1970) describes discrimination as "an unfair, improper, unjustifiable or arbitrary distinction" (178). This research will stray from this definition in that the discriminations discussed are not arbitrary. It will focus mainly on racial discrimination, in which the distinction made is unfair, improper, and on the basis of race. Small and Pager (2020) describe

racial discrimination as “differential treatment on the basis of race that may or may not result from prejudice or animus and may or may not be intentional in nature” (49). These two definitions of discrimination represent just some of the many ways this term can be defined. This research will draw from both of these definitions. It will refer to discrimination as intentional or unintentional unfair treatment of groups by individuals or institutions based on race or migratory status that results in disadvantages to these groups.

In some cases, discrimination will be too broad of a term to describe the actual events that are taking place and being analyzed in the context of the research. The terms racism, xenophobia, and stigmatization can specify events and situations that deal with discrimination. Each has colloquial and conversational meanings that are not as precise as is necessary for this project. Additionally, each may be defined differently, similar to the limitation of the term discrimination. For these reasons, I will specify three types of discrimination (racism, xenophobia, and stigmatization), how they function within the context of this research, and how they are related.

Racism can be a daunting theme to tackle due to the continued harm it causes to groups of people and individuals. This research is not meant to thoroughly conquer the definition of racism, but rather to define it as it pertains to the project and clarify the implication of the use of the term. This section will draw on definitions of race and racism established by scholars. Defining race is the first step in understanding and identifying racism. One definition of race is, “the conception or the doctrine that nature produced humankind in distinct groups” (Fields and Fields 2014, 16). These distinct groups are based on genetics, skin color, and appearance. The mindset of a person that practices bias based on race can be understood in these three deductive ideas, each informed by the previous one. “Humans are divided naturally into different physical types. Such physical traits as they display are intrinsically related to their culture, personality and intelligence. On the



bases of their genetic inheritance, some groups are innately superior to others” (Vorster 2002, 297). These three statements, each building off of the previous one, explain the divisions that begin to form based off of differences in appearance, which is the foundation for racism. It is the notion that differences in appearance due to genetic factors can suggest a multitude of other factors, for example, intelligence, deservedness, or superiority. Fields and Fields (2014) define racism as, “the theory and the practice of applying a social, civic, or legal double standard based on ancestry, and to the ideology surrounding such a double standard” (17). Their definition focuses on the reality that racism as a social practice sets standards for some groups differently than others. Race is something that is present at the forefront of human interaction; humans are designed to notice similarities and differences in comparison to themselves. Racism, however, builds upon these differences in a way that applies a predetermined understanding or application of principles during interactions that are based on race.

Outside of the context of overt discrimination, xenophobia can be defined as “an undue or excessive fear, hatred or dislike of strangers or foreigners (usually new immigrants)” (Soyombo 2008, 85). The definition has a specific implication of two different groups – “us” and “them.” These implications have an especially central role in attitudes toward migrant populations, as this research will uncover. Although xenophobia is often colloquially used in tandem with racism, its definition is not inherently correlated with race. In recent years, the term has become almost exclusively used in conversations regarding immigrants. Calculated fear of migrants displays the result of xenophobic tendencies. The all-too-common phrase in politics, “they’re stealing our jobs,” is at the pinnacle of xenophobia, representing two main aspects: us vs. them and underlying fear. In the context of this research, xenophobia will be reserved for situations that highlight opposing group mentality in terms of immigration, and fear of the other that is usually based on

race. However, the term xenophobia can have limitations. It can be used as a way to dismiss cases of overt racism, and in these cases, it should be defined as such (Tafira 2011, 114). In the context of this research, xenophobia and racism will be viewed in separate spheres. Xenophobia will apply to situations where fear of migrants is expressed in a way that establishes an in-group and an out-group. Racism will be reserved for actions that exemplify race bias, or the predetermined nature of thought process that is tied to race.

Although stigmatization is less entangled with racism and xenophobia, it is another word that should be discussed in terms of this thesis to clarify its purpose. It can act as both an independent and dependent variable for discrimination, but it refers to the use of stigmas or negative stereotypes. Stigmas dictate how a person perceives another solely based on society's established viewpoint. One of the most dangerous aspects of stigmatization is that people are grouped into a larger umbrella of stereotypes, which can limit a feeling of individuality. For this project, stigmatization is used to describe situations where a source applies a negative stereotype to a population, in this case to the Bolivian population of Argentina.

These three terms – xenophobia, racism, and stigmatization – can be correlated, however, they are defined and utilized in specific contexts. They are daunting themes to grapple with because each person experiences and copes with discrimination in a unique way. Defining these terms within the context of this thesis is not meant to create universal definitions, but to express the way that I apply each term throughout the coding and analysis process.

## CHAPTER II – Research Questions and Hypotheses

The following questions guide the research:

- How does discrimination against the Bolivian migrant population of Argentina persist after the implementation of the anti-discriminatory New Migration Law in 2004?
  - How does the shift in migration policy open new avenues for discrimination, specifically concerning the healthcare system?

The first, central question functions under the assumption that discrimination does still exist and will explore how injustices continue. The supporting question will turn to the health care system as a way to evaluate new avenues for discrimination that the New Law has produced. As Argentina shifted its migration policy to a non-discriminatory approach, two hypotheses are supported by existing research and literature.

- I. Assuming that one of the goals of the New Migration Law was to promote equality and inclusion, the change in policy that occurred in the books is lacking in practice, enforcement, and equity.
- II. The New Migration Law created an additional realm in which migrants are subject to discrimination – the health care system.

The first hypothesis reiterates the idea that this law, although progressive from an international perspective, is not perfect and does not address the complete list of injustices faced by immigrant populations in Argentina. It assumes that the goal of the anti-discriminatory law is to promote equal treatment of all human beings, an assumption supported by Collins' investigation of the question – “what are the aims of anti-discrimination laws?” (2003, 1) The overarching answer is that these types of laws “[uphold] the ideal of respect for the dignity of individuals or equal worth” (42). His argument establishes equal treatment as the baseline for anti-discrimination laws, which

can be seen in the New Migration Law that aims to treat all individuals within the borders of Argentina equally, regardless of migratory status. Even with the implementation of the law, efforts toward creating an equitable society in Argentina are far from over. This research will address the shortcomings of the law and aim to understand ongoing discrimination.

Using the health care system as a way to understand new avenues for discrimination, the second hypothesis addresses the supporting question. It establishes that, with newly granted access to the health care system, migrants experience additional discrimination in this field. The health care system is a particularly useful aspect of the category of social services in analyzing discrimination. One reason for this is because health care is a universal need. Every person requires health services to survive. This is a more surface-level benefit of studying the health care system. However, a deeper look into health care as a necessity uncovers the primal emotions that can result from a threat on this basic human need. For example, xenophobic reactions to a threat of a foreigner “taking away” these services are prevalent due to the nature of health care as a necessity. Although health care is not necessarily a common good – in the sense that use of the good will result in a lack of resources for others – it can be viewed by the native population in this way. The health care system offers the unique opportunity to understand the primal reaction when a human need is threatened, which often results in hostility and discrimination.

It is tempting to use the term “subtle” or “unconscious” discrimination when discussing the prejudices that populations continue to face after the implementation of the law, simply because they might be easier to brush aside. However, identifying forms of discrimination and their implications is significant in this context, considering its weight in the themes of the research. In his 2003 research, Selmi explores the connotations of “subtle” discrimination. One of the issues with identifying discrimination in this way is that courts frequently dismiss it and do not consider

it unlawful (Selmi, 2003, 659). This is the problem that arises with antidiscrimination law – the definition of discrimination is blurred and objective. The goals of this research will be to address the discrepancies in equality within the health care system without dismissing discrimination as subtle, especially if actions have outcomes that impact the quality of life of immigrants.

### **CHAPTER III – Literature Review**

The literature review serves to locate the research question within the ways that scholars have already addressed the issues. The guiding question for this research is as follows: how does discrimination against the Bolivian migrant population of Argentina persist after the shift in migration policy? This section will establish and justify the analysis process with respect to previous literature. Each piece will investigate an aspect of the research question with regard to the relevant literature.

#### *Law on the Books vs. Law in Action*

The central research question is aimed at understanding the shortcomings of the New Migration Law. It guides the research in an exploratory view of how discrimination still exists despite the anti-discriminatory law that is in place, which characterizes it as a gap study. “Gap studies compare law in action with the perceived objectives of law on the books, seeking to identify those instances in which the ‘reality’ of law fails to live up ‘to a legal ideal of some kind’” (Black 1972, 1087, as cited in Gould and Barclay 2012, 324). This research compares the New Migration Law on the books to the realities that Bolivian migrants face. It is a study that seeks to understand the legal effectiveness of an anti-discriminatory law in action.

Gap studies function under the assumption that law is enacted to be an instrument that dictates how society should function, and that law does not always accomplish this goal. It is a useful technique for understanding the exact effects of law and identifying where the gaps lie to implement changes and improvements. These studies are widely applicable, with scholars implementing various methods to understand and measure gaps. Some studies focus on how preexisting circumstances can advance or reduce a law's impact (327), whereas other studies focus more on institutional enforcement shortcomings that hinder societal outcomes (333). This research will address the latter, investigating the way that enforcement of anti-discrimination policies falls short.

One of the shortcomings of gap studies is that in general, they are more pragmatic than programmatic. Their main purpose is to identify the rifts in policy and practice. Rarely do the studies introduce programs that function to eliminate the gaps; the studies are only the groundwork for reform (326). This research mimics the characteristics of a gap study in this way as well. Identifying the gap as an issue that affects a large group of people is the first step to change.

Gap studies are a widely known and well used structure of study within legal sociology. The analysis of data will be structured with respect to gap studies that have been conducted in the past, taking into consideration the limitations and the benefits of this type of study. This project will investigate the gap in the effectiveness of current Argentine migration policy. The New Migration Law boasts an anti-discriminatory foundation, but how does this law function in practice?

*How can the 2004 shift in migration policy be understood using theoretical frameworks?*

Migration policy can be explained by several theories, although this research will focus on explanations from the social and economic fields. Each theory offers explanations for why policymakers make choices and implement laws regarding how people migrate across borders and the rights that they are to receive. These theories will guide the framework for this research, although social theories will ultimately create the framework because they align most closely with the cases of immigration policy implementation in Argentina over the last few decades. One of the central aspects of the research question is the shift in migration policy from the 1981 Videla Law to the New Migration Law. The implementation of the New Law in 2004 was a drastic change to the law that had been in place for two decades prior. This shift is the driving force of the research question, and to understand the nature of migration policy in Argentina, it is important to discuss the structural theories behind the change in policy.

Economic theory is a framework that scholars apply to a myriad of global and national situations, including immigration policy. Economics play an integral role in migration, often contributing to the initial motives for emigration. However, this framework is centered around the policymaking side of migration and the costs and benefits that policymakers consider in implementing migration laws. It works to understand the groups that gain and those who lose with different types of policies. Meyers (2000) outlines the Marxist approach to understanding economic cycles and immigration policy. He emphasizes that the economic functions of immigration include the stabilization of economic activity and the structural support for capitalism. With the influx of a working class, natives with high socioeconomic status rise even higher (1249). This suggests that immigration benefits the upper class within a country, as well as providing some stability to the economy of the country as a whole. However, according to Marxist economic

theory, immigration cannot support advanced economic fluctuations. “Capitalist economies regulate immigrant labor, temporarily limiting immigration or even expelling immigrants at times of economic decline. Such restrictions prevent recessions from becoming crises of capitalism” (1250). In cases of drastic economic fluctuations, such as during a recession, economic theory predicts that countries will restrict immigration and even resort to facilitating deportations.

The case of the progressive New Migration Law is unique in that it was implemented shortly after one of Argentina’s most significant economic recessions. During the years 2000-2002, Argentina sustained a recession, with public debt rising and the currency exchange rate dropping significantly (Zettermeyer 2018, 21). The New Law, enacted in 2004, came very shortly after the country had recovered from the drastic economic fluctuation. The timing of the implementation is inconsistent with economic theories of migration, which predict that during unstable times, a country acting in its best interest economically would choose to restrict migration. In 2004, Argentina did the opposite, implementing a migration law that encouraged immigration, provided essential services to migrants, and committed to aiding immigrants in their process of gaining the proper legal documents. Because of this discrepancy between explanations and the implementation of the law, the economic framework is not best suited to apply to this research. It does not appropriately explain this shift in migration policy at this time in Argentina where the economy was still reeling from the effects of the recession.

The shift in migration policy can most adequately be explained by social frameworks. Two social theories established by previous authors should be considered: the national identity approach and the human rights-based approach. These two frameworks, which can explain the Videla and New Migration Laws respectively, are tools that the research will use to understand the shift to the new policy that occurred in 2004.



The national identity approach recognizes the history of a country and the structure of its population to explain the type of policy that a country adopts. Argentina's history as an immigrant country is a characterizing trait of the population of the country as it exists today. Founded by Europeans, Argentina welcomed immigrants that were mostly of European descent throughout the first 150 years as an established country. Although immigrants from bordering countries such as Bolivia, Paraguay, and Peru have always made up a part of the Argentine population, only in the late 20th century did Argentina begin to see an increase in the number of immigrants entering from bordering countries proportionate to the number of European immigrants. This has been a lasting trend, especially following the implementation of the New Migration Law in 2004 (Pizarro 2012, 8). The number of European immigrants that characterized migration in the early 1900s was not a coincidence. Policymakers worked hard during the early stages to ensure that Argentina represented a European country, especially in terms of population. Evidence of this can be seen in the original constitution, where European immigration is encouraged. In their work explaining immigration policy in Argentina, Albarracín (2003) suggests that "while the state of the economy determines the rules for admission of non-Europeans, Europeans are always welcome" (1).

Meyers (2000) explores the national identity approach as an explanation for the implementation of immigration policies. Although he does not discuss policy in Argentina specifically, the framework that he presents can be applied in the case of the Videla Law. He offers the national identity framework as a tool to analyze immigration laws that are based on nationalism and historical influences. The Videla Law, which was replaced by the 2004 Migration Law, exhibits aspects that Meyers outlines under the national identity framework. Under this law, undocumented immigrants were viewed as a threat to national security, denied rights to social services, and were at a higher risk of deportation. For example, decrees issued in the 1990s called

for the immediate deportation of “criminal immigrants,” and facilitated inspections by the government (Albarracin 2003, 15). With Meyers’s approach, we can identify the origins of this law, which include Argentina’s European history, nationalist ideals, and the country’s desire for a ‘white’ identity. The national identity framework functions in this research to draw connections between explanations for the existence of a harsh immigration policy and discrimination against Bolivian populations. Each of these factors act as motivation for the research, and both are tied to the identity that Argentina wishes to present to the rest of the world, its national identity.

In a case study, Barbero uses the term ‘racial state,’ originally coined by Goldberg (Goldberg 2002), to describe states that have been systematically racialized through policies such as immigration laws. Barbero discusses the modern consequences of the Argentine ‘racial state’ in the specific example of a recent event that exemplified the criminalization of immigrants. She takes an in-depth look at a case from 2017 that caused the president at the time to issue a racist emergency decree regarding immigrants in Argentina, specifically those not of European descent (Barbero 2018, 6-13). This act can be seen as the result of years of nationalist influenced policy and highlights the fear that still exists surrounding race. The country’s desire for a European identity translated to restrictive policies against immigrants from surrounding countries, and in turn, government-enforced discrimination. The historical and intentional whitening of the population as a new country shaped the level of sense of belonging that citizens of Argentina feel today. Barbero discusses history’s role in current immigration policy and refers to Argentina as a racial state due to these factors.

The New Migration Law, which will be the focus of this project, diverges from the national identity approach to immigration policy and enters the realm of the human rights-based approach. Hines discusses the New Law as a human rights-based law, which is the theoretical framework

that I will use in this thesis to discuss how the New Law should protect citizens. This law addresses migration as a human and inalienable right and grants any migrant the rights to social services based on this declaration. In her journal article, Hines conducts a form of gap study and considers the successes and barriers of the law in the human rights framework from a legal standpoint. She concludes that although anti-discrimination and equality are legally granted by the New Law, the need for regulations to enforce human rights is necessary and currently insufficient (Hines 2010, 506–8). This thesis will serve as a further exploration of the human rights-based approach and the barriers of the current law, specifically within the healthcare field. The human rights-based approach will serve as the baseline for understanding the goals of the New Migration Law. Social, educational, and medical services are all basic human rights according to the policy, and this research will treat them as such throughout the analysis. In agreement with Hines and the established structure of the gap study, I will take into consideration the shortcomings of the law that don't necessarily enforce anti-discrimination and human rights in practice.

### *Why does the Bolivian population experience discrimination in Argentina?*

This question is another supporting aspect of the central question. To answer the main research question, which is aimed at identifying why discrimination persists, it is integral to first identify why discrimination exists in the first place. To continue the application of theoretical frames, the previously mentioned national identity approach can be utilized to explain why discrimination is present against Bolivians and Bolivian immigrants living in Argentina. Through intentional whitening in the early years, the identity of Argentina was systematically defined as a racially restrictive country. The early establishment as a European-influenced country has instilled lasting effects on indigenous populations, many of which are immigrants from surrounding Latin

American countries. Citizens of Bolivian descent are included in the population negatively affected by the European identity of Argentina, whether or not they are immigrants themselves. We can use the national identity approach to explain why citizens of Bolivian descent, who have a darker complexion than the European standard, will experience racism more commonly than a citizen of European descent.

In addition to the historical-based national identity approach, scholars use a multicultural framework to analyze discrimination within countries characterized by immigration and the presence of cultural groups. Multiculturalism is a framework that highlights the need for policies that are not blind to differences between groups. This framework takes the stance against policies that might encourage assimilation, which will further harm populations that require additional consideration. Advocates of this theory, such as Kymlicka, suggest that policies that acknowledge cultural differences are crucial to creating a safe environment for immigrants (Kymlicka 2001, 154). Although Kymlicka used this theory to describe how Canadian policymakers successfully cater to the presence of various cultures, it can be applied in the opposite sense to the case of Argentina to explain why the Bolivian population receives social discrimination whether it be subtle or overt.

Proponents of multiculturalism argue that because immigrant populations are at a disadvantage, the government must take into consideration the needs of these populations and implement policies to aid their progress. Hines's article, previously mentioned, takes a multicultural approach in discussing the New Law. She argues that "to give full effect to the human rights and egalitarian principles of Law 25.871, the government must issue regulations to ensure the effective implementation of the law's goals" (Hines 2010, 509). Therefore, the multiculturalism

framework functions in this research as a possible explanation for why there is a gap between the law and the realities of discrimination.

The questions and themes explored in the literature review further the understanding of the central research question: in what ways does discrimination persist despite the implementation of an anti-discriminatory law? In analyzing the themes of immigration and discrimination in Argentina, the established theoretical frameworks and definitions will provide structure and integrity to the arguments in the analysis. The research will be based on the design and purpose of gap studies, exploring elements with respect to the human rights-based approach and the goals of the multiculturalism framework. In addition, it will act as an exploration of discrimination and its various forms: xenophobia, racism, and stigmatization. These frameworks and theories will be used to construct a logical evaluation of the data throughout the analysis process.

## **CHAPTER IV – Methodology**

### *Research Motivation*

During a public health study abroad program in Argentina, my interest in this topic grew. I became increasingly aware of inequalities in health care systems and the effects that these injustices have on marginalized populations. I was aware that systems in the United States are designed so that large groups of people are left out, and I wanted to know if this case plays out within the Argentine system as well. The project is a small-scale view and representation of broader inequalities within governmental systems as a whole, which is a global occurrence. This thesis is not necessarily meant to be applied directly to injustices for groups outside of Bolivian

migrants in the Argentine health system. However, it is an important reminder that discrimination can have drastic effects on the lives of individuals as a result of the dysfunctionality of systems.

As I was developing my research question around inequalities in the Argentine health care system, I wanted to narrow my focus to a specific population that contends with the system. I became interested in migrant populations because the implication of the New Migration Law grants medical care to migrants. It was an intriguing aspect because it is so different from how the immigration and health systems function in the United States. I chose Bolivian immigrants because I was interested in the nuances of racism against this population. In my preliminary reading, there seemed to be a different representation of the discrimination that existed against Bolivians. Another important reason that I chose to study migrants from Bolivia was that there was a wider variety of previous research to create a foundation for my thesis. I wanted to make my project feasible given the limitations.

This project was not at all meant to generate or perpetuate the notion that Bolivian immigrants in Argentina are a monolith. Each migrant is an individual with their own identities. Instead, it is meant to understand the way that having the unique identity combination of Bolivian and migrant affects an individual's experience. This research is important because it emphasizes and denounces forms of discrimination that are not often discussed. Hopefully calling attention to and criticizing discrimination will create a safer space for migrants to live. As an American that only spent three weeks in Argentina, studying the system from an outsider's perspective allows me to see discriminatory tendencies that a native might be biased towards dismissing or affirming. Sometimes racist tendencies can be so ingrained in society that it is necessary to take a step back and look at the big picture to understand exactly where they originate.

### *Research Design*

Taking into account the limited existing research on this specific topic, this thesis will act as a culmination of sources to present a big-picture view of where discrimination comes from and the outcomes that it has. The exploratory design of this project will allow for a broad understanding of the factors that play a role in how Bolivian immigrants experience the health care system, as well as offer shortcomings of the New Migration Law that do not account for social and cultural discrimination.

Given the amount of time over which this research is taking place, the most effective analysis strategy is a qualitative analysis of textual data that is pre-existing. Qualitative data analysis is a common research approach, especially in the field of social and political studies. It is often used as a way to attach structure to primary source data. Primary sources could include interviews, video recordings, speeches, letters, or in this case, news articles. The data analyzed will include news articles from sources in Argentina, which will contain information about the causal factors of discrimination and the substantive outcomes. Using a wide range of news will ensure that the public opinion on the topic is adequately expressed. News articles from all political-leaning sources will be considered. The timeline for data collection will be centered around the 2004 implementation of the New Migration Law, and this event will be taken into consideration as an independent variable in the outcomes. The data will be separated between sources from 1990-2003 and 2004-present.

The process for selecting news articles was designed to limit the amount of confirmation bias that might occur. For example, I wanted to avoid actively searching for articles that would provide examples of the discrimination that I was expecting to find. To achieve this goal, I used a few academic search engines that specialize in news articles and tried to keep my search terms

non-biased. I included terms like “Bolivian,” “immigrant,” “health care,” and avoided using terms having to do with discrimination and inequality. That being said, newsworthy events tend to be more negative than positive, and stories that make the news are more likely to display societal, political, and economic problems rather than solutions. Using the selection process described, I ended up with 30 news articles – 10 from before the year 2004, when the New Migration Law was implemented, and 20 articles from the period of 2004-present. There is a discrepancy between the number of articles from each period, however, there is a completely valid explanation for this trend. The presence of Bolivian immigrants in the Argentine health care system before 2004 was almost non-existent since this population legally did not have access. Because of this reason, many of the articles from before 2004 focus more on public attitudes instead of health care system experiences.

### *The Coding Process*

As the research design developed, the goal of using qualitative analysis software was to transform a set of news articles into a structured version that could be analyzed in the context of the research question: how does discrimination against Bolivian populations in Argentina persist, specifically in the health care field? The qualitative software used for the research was Dedoose, a licensed qualitative software.<sup>1</sup>

I began the coding process with a null set of codes that I predicted to see examples of in the chosen news articles. They were structured into “parent codes”: causal factors, outcomes, and context. To give an example of the null codes I began with, some causal factors that I initially created were xenophobia, racism, and stigmatization. I had previously seen examples of these

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<sup>1</sup> Examples of Dedoose software and code application process are included in Appendix A.



factors in the preliminary research, and even in the titles of the selected news articles. I wanted the codes to be general enough that there would be similarities in codes between articles, but specific enough to be able to discern differences in situations.

The process of coding itself was designed to be adaptive, thorough, and consistent. It was adaptive in the sense that as I coded news articles, I added codes to the set that I felt were not represented in the codes that already existed. At the end of the preliminary coding process, I had a set of codes that I felt represented the information that I found in the news articles. However, I ended up with a set that was much different compared to the starting set of codes. When I finished the initial coding of the articles, I revisited each one to ensure that the application of codes was consistent throughout the entirety of the articles.

One of the most notable changes to the set of codes during the process was the addition of ‘positive actions’ as a parent code. It is very general because the actions taken against discrimination were highly varied, however, I did separate this generalized code into actions taken by the government to reduce discrimination and direct positive consequences of the New Migration Law. I wanted to include this as another way to avoid confirmation bias. With this new parent code, I could compare positive actions with the several negative actions that I had been annotating. This ensures that the research does not offer a one-sided evaluation of the negative implications of the law, and that improvements are tracked alongside the downfalls.

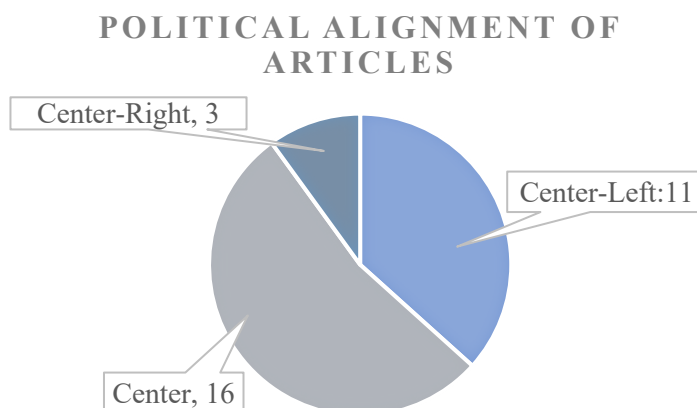
The coding process was originally a way to create a common, concrete structure from an unrelated set of data. It did serve this intended purpose, but it also became a way to keep track of more intricate themes and stories that are unique to each article. As I read through the articles, I could make note of important excerpts that embodied a greater theme, or link excerpts between

articles that shared a similar message. These were the functions of Dedoose that I found to be most valuable to the research and will be included in the analysis of the primary data.

### *Characterization of Data*

This section will act as a preliminary outline of the data collected during the coding process. It will introduce the sources, codes, and relationships that will be discussed in the analysis section. First, to put the source of data into context, the political opinions of the final set of news sources can be categorized in three ways: center, center-left, and center-right. These three categories can be equated to moderate, slightly liberal, and slightly conservative, respectively. There were no sources used with highly politically aligned views, which is beneficial in this case because the data can be evaluated without extreme anomalies. Figure 1 depicts the number of articles from each political alignment category.

*Figure 1. Political Alignment of Selected News Articles*

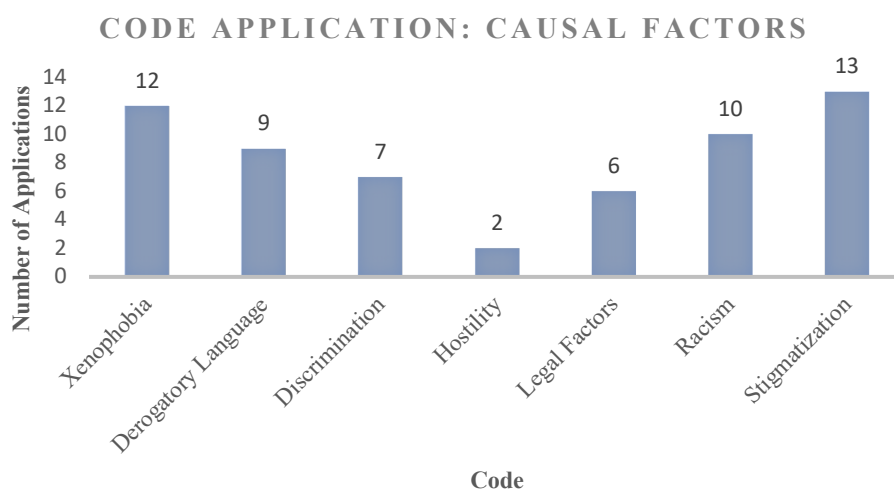


Using the non-biased process described in the methodology section, the selected sources incorporated into the research were 16 sources that are generally moderate, 11 sources that are liberal-leaning, and 3 conservative-leaning sources. There was not a specific intention of choosing

articles incorporated into the selection process for news articles, as it was designed to avoid my own biases. This means that this combination of political alignments for the sources was random. However, the fact that there are more center-left leaning sources than right makes sense, due to liberal newspapers being more likely to call attention to discriminatory tendencies in immigration policy and society. Although the number of articles representing each political affiliation is not equal, there are sources that represent both right and left-leaning opinion.

Charts that depict the total number of times ‘causal factor’ codes and ‘outcomes’ codes were applied are included below. This includes all code applications to articles from the entire set. One choice that I made during the coding process was to avoid repeat codes for the situations in the articles. I wanted the code to represent an event or opinion, instead of the sheer number of times an interviewee said the word “discrimination,” for example. The result of this is a fewer total number of codes. However, each one represents a specific event or scenario that played out in the news articles. I made this choice so that there is meaning to each code. These visuals below can be used to understand the overarching structure of the code application and start to attach quantitative meaning to a qualitative set of data.

*Figure 2. Code Application of Causal Factors*



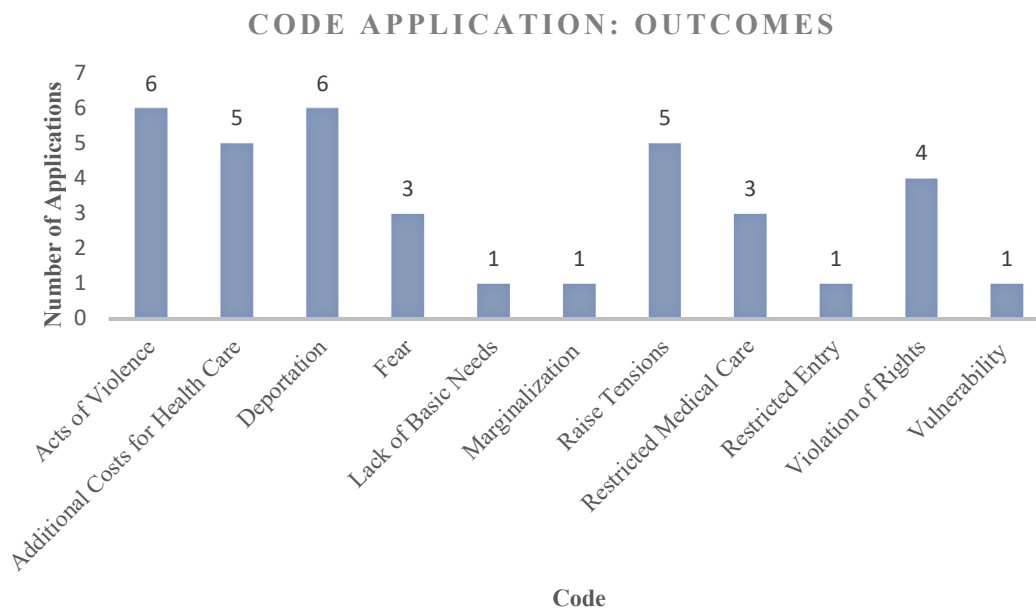
The set of codes represented in the chart above are the ‘child codes’ for the causal factors ‘parent code.’ These code terms are simply to designate a code that has subcodes, which facilitates organization in coding and analysis. The criterion for the application of a causal factor was an influence that results in a concrete outcome or experience. For example, racism is an influence that has specific outcomes, acts of violence, for instance.<sup>2</sup> The terms racism, xenophobia, stigmatization, and discrimination have been defined in the conceptual background section on page 12. It is important to note that during the coding process, these terms were not simply applied to colloquial uses of the terms. Instead, I applied these terms diligently to situations where I felt that the defined term was represented. This ensured that the application of codes had meaning and consistency throughout the set of textual data.

In addition to the causal factors, another important set of codes to visualize is the application of the aforementioned outcomes, included below. Similarly, the criterion for the designation of an excerpt as an outcome was an experience or feeling affecting Bolivian migrants that resulted from a causal factor. Organizing the data in this way was useful, as it created structure, but was not binding or restrictive. Viewing the data in this dependent and independent variable-based format can help identify and track why events are occurring.

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<sup>2</sup> A comprehensive list of codes applied and criteria for application is included in Appendix B

Figure 3. Code Application of Outcomes



The visualization of the data acts as the structure for the following analysis section. It gives an overview of the number of codes applied to the entire set of data, which facilitates an understanding of more specific codes discussed throughout the analysis.

## CHAPTER V – Analysis

An analysis of the coded news articles will convey the story that lies within the set of textual data selected for research. Codes act as the backbone for the information included in each article and using the same set of codes for all 30 articles creates a common framework to compare and contrast themes and findings.

The analysis will be structured into two segments. The first will take on the nature of a gap study to explore inconsistencies between the New Migration Law on the books and the law in practice. The overarching issue is that negative attitudes toward migrants, specifically Bolivian

migrants, are still being expressed despite the implementation of the law. This constitutes a gap between written intention and actions in practice. Within the first segment, there are two main issues to address in terms of the rift. One is the role of the government in reinforcing these negative framings. The other is society's role in continuing to practice and display discrimination. These combined contributions by people in power and individuals in society create a space where immigrants do not feel welcome, and the effects of the New Migration Law are negated in practice.

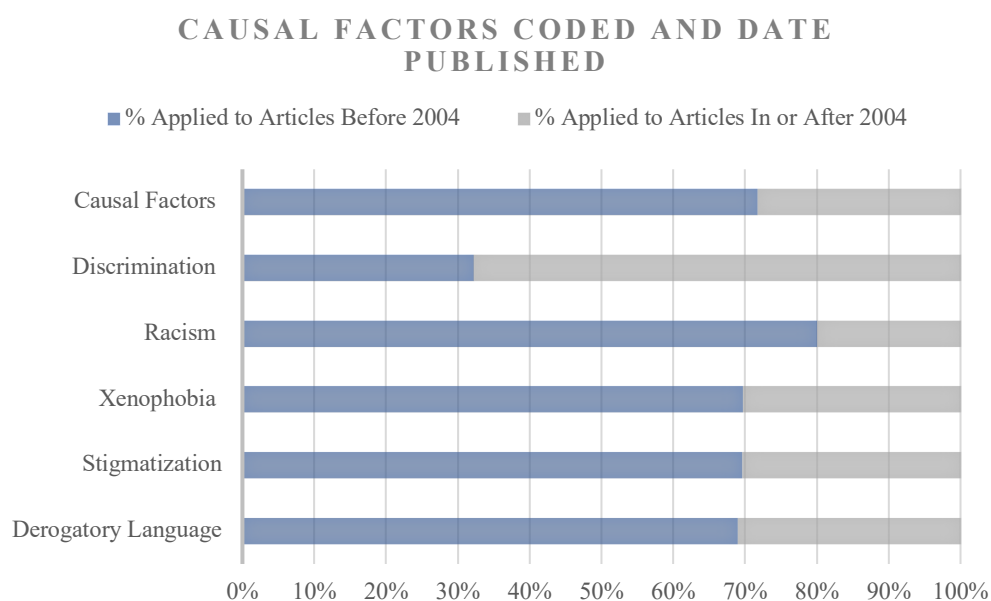
The second section of the analysis will explore the example of the health care system as an additional realm in which migrants are subject to discrimination as a result of the implementation of the law. It will first examine examples found in the news articles of stigmas that act as barriers to migrants' access to the system. It will then consider examples of new policies that have been implemented since the New Migration Law to understand how these stigmas affect policymaking.

### *I. Persisting Negative Attitudes*

The first aspect of the news articles to explore is the portrayal of the overarching attitude toward immigrants over time, specifically before and after the implementation of the New Law. This section of the analysis examines the central research question. It will therefore not focus on the health care system in particular, but rather establish a depiction of the social environment that exists in Argentina, and how Bolivians fit into it. The news articles showed that social discrimination of various types does exist against immigrants even after the implementation of the law. The analysis process confirmed that discrimination against Bolivian populations has persisted in several distinct ways. One way to visualize this result in terms of the data is by comparing the code applications of 'causal factors' from before and after 2004, as shown in figure 4. This chart shows that although the number of codes applied to cases of negative causal factors has decreased

since the implementation of the law, there are still instances where discrimination, racism, xenophobia, and stigmatization play a role. The comparison between the blue and gray segments of the graph show the comparison of negative causal factors applied before and after 2004, respectively.

*Figure 4. Causal Factors Codes Applied Before vs. After 2004*



The chart can be interpreted as a comparison of the number of times a negative causal factor was applied to an article that was published before versus after the New Migration Law was passed. Since the number of articles in the two categories is not the same, the percentages in the graph are adjusted to account for the discrepancy. The blue segments on the left-hand side of the graph represent the percentage of codes used for articles before 2004 and the grey segments for after. This visualization shows that there has been an overall improvement in the overt racism, xenophobia, etc. that existed before the law was enacted. There was a greater percentage of instances where these influencing factors played a role coded for in the before 2004 time period.

However, the chart also shows that these negative causal factors are still present. The grey segment of the total number of ‘causal factors’ represents 63 situations, or the total number of codes applied to this group of articles. These are situations where one of these negative influences, or causal factors, had an impact on the life of an immigrant in a news article. The visual above confirms the assumption of the research question: discrimination has persisted. Although the New Migration Law did change the way that Bolivian immigrants experience discrimination in some capacity, the reality of the situation is that there is still injustice rooted in the treatment of these populations. Even though progress has been made, there are still individuals who express a need for change, for example, Ana María Vargas, a Bolivian woman living in Argentina. She expressed that “[Bolivians] are part of the Argentine economy, but not as human beings”<sup>3</sup> (Article 24)<sup>4</sup>. This quote was recorded two years after the anti-discriminatory New Migration Law was passed. In a perfect world, no migrant would feel this way in their home. However, the analysis of the news articles and the stories that reside within them show that Argentina is far from perfect in creating an inclusive society where migrants feel like they belong. Part one of the analysis will explore the first hypothesis, which is:

- I. Assuming that one of the goals of the New Migration Law was to promote equality and inclusion, the change in policy that occurred in the books is lacking in practice, enforcement, and equity.

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<sup>3</sup> Article excerpts are translated to English by the author for reader’s convenience and understanding.

<sup>4</sup> A complete list of the selected news articles is included in Appendix C. Within the text, the articles will be referred to as the number arbitrarily assigned to them.



*I.A. Stigmatization of Immigrants by the Government: Then and Now*

Negative attitudes around Latin American immigrants, specifically individuals from Bolivia, exist partially due to stigmatization. As previously established, the use of the term stigmatization in the context of this research is the generation and use of negative stereotypes aimed at a specific group of people. This factor is important to address because it is the causal factor code with the highest number of applications, with 13 codes. The fundamental issue with stigmatization is the mentality of immigrants as a monolith. Viewing and understanding the lives and experiences of all immigrants to be analogous facilitates harmful stereotypes. In Argentina, the Bolivian migrant population is not spared stigmatization surrounding immigrants and is often targeted specifically. For example, a recent news article calls attention to the fact that on multiple occasions, the governor of the Salta province Gustavo Sáenz has placed immediate blame on Bolivian migrants for the spread of COVID-19 (Article 17). Salta is a northern province that borders Bolivia and therefore receives a high number of Bolivian migrants. It is alarming that a governor would set an example of such hastiness toward this group that makes up a considerable percentage of the total population of the province. Although much of the general stereotyping does not involve migrants' participation in the health care system, these attitudes are important to understand to paint a picture of the social environment in which these populations live and how it may affect their everyday lives.

The most prevalent example of stigmatization in the news articles is placing blame on immigrants for social problems within the country, namely crime and employment issues. In Argentina, there is a similar framing of immigrants as criminals that exists in the United States, painting migrants as people who bring with them danger and crime. Politicians use terms such as "illegal aliens," a severely dehumanizing and stigmatizing phrase. The depiction of immigrants

has changed over time. For this research, changes will be defined and evaluated with the implementation of the 2004 New Migration Law in mind.

Before 2004, there are examples of overt stigmatization toward immigrants, commonly practiced by government officials and politicians. The following excerpt coded as “stigmatization” in one of the selected news articles provides a glimpse into the portrayal of Latin American immigrants in the late '90s and early 2000's. In 2001, Tourism Secretary Daniel Scioli, who would later become the Vice President of Argentina, stated that Buenos Aires was “overrun by droves of delinquents, droves of sick people who come to fill up our hospitals, and criminals who come to illegally occupy houses as squatters and work as prostitutes.” He compared immigrants at the time to migrants from Italy and Spain in the 20th century, specifically targeting Latin American migrants (Article 28). His overarching intention in making this comparison was that the European migrants, who had been the majority of newcomers in the 20th century, were superior to the Latin American population. If the act of migrating to Argentina is being portrayed as an invasion, especially by people in power, it shapes the public opinion to mimic these attitudes.

Secondary sources supplement and validate the trends discovered during the qualitative analysis. For example, Alejandro Grimson's “A Hard Road for Argentina's Bolivians” supports the evidence that the news articles suggest. The article provides several examples of xenophobia and stigmatization that existed against the Bolivian population at the time, which was in 2001. The accounts include several examples of discrimination, from the use of derogatory language and xenophobic discourse to a statistic indicating that 91% of Argentines believed foreigners to be detrimental to labor conditions, including one particularly agitating and racist statement, “Secretary of State Guido di Tella anticipated that ‘in the year 2020, 20% of the population [in Argentina] will be Bolivian or Paraguayan,’ and stated that ‘we want to be near the rich and the

beautiful...we don't want to be with the horrible people” (Grimson 2001, 34). This is a comment from the Minister of Foreign Affairs at the time, Di Tella. As another example of the promotion of extremely xenophobic and racist treatment of immigrants, specifically from Bolivia, this statement illustrates the negative attitudes that were at the forefront of discrimination before the 2004 New Migration Law was implemented.

Evidence of xenophobic tendencies is not limited to the time before the law was enacted. There are several examples in the news articles of stigmatization by the government and people in power after the year 2004, which is one indicator that the law did not successfully eliminate discrimination.

A xenophobic portrayal of immigrants is common in politics, as we see in the United States as well. A 2017 New York Times article compared actions towards immigrants taken by the Argentine government to those of the Trump administration. The president of Argentina at the time, Mauricio Macri, “issued a decree curbing immigration to Argentina, with his government declaring that newcomers from poorer countries in Latin America bring crime” (Article 8). This collective reference of the “poorer countries” includes Bolivia, in addition to Peru and Paraguay. A decree with motives such as crime is all too common in politics. It is something that can be seen over and over again in the United States as well as Argentina alike. It represents the more problematic issue of blaming immigrants for social problems. This can be done in various ways, however, in the case of the Macri administration, there was a manipulation of statistics to “prove” that immigrants were dangerous. Article 8 provides evidence of manipulation by the Macri administration surrounding immigration, “The new immigration decree says it is focused on fighting crime, arguing that 22 percent of inmates in the federal penitentiary system are foreigners. (When all of the country’s prisons are taken into account the figure is closer to 6 percent)” (Article

8). This excerpt is an example of the framing of immigrants by politicians that occurs, even after the implementation of the new law. The fact that governments omit or manipulate information presented to the public is problematic in itself but especially harmful to migrant populations in this situation.

The story told by the news articles surrounding government stigmatization of migrants is consistent with Hypothesis I. It suggests that the law in practice looks completely different than the law in the books. The data show that not only has discrimination continued but that it has continued in public and political ways. Therefore, the anti-discriminatory promises that the New Migration Law boasts are not being applied in reality. In the cases and excerpts described throughout this section, it is clear that the gap is not simply a social one. There are several examples of government and political officials carrying out these injustices as well. Instead of creating laws that further prevent discrimination, decrees are being issued that generate a further divide between foreign and non-foreign residents of the country. The following section will continue to evaluate Hypothesis I in relation to the data, taking into consideration the informal discrimination portrayed in the news articles. It will delve into the social gap in anti-discrimination theory to further explore the rift between law and practice.

### *I.B. Social Discrimination and Racism: Then and Now*

Aside from stigmatization from the government and from citizens as a way to place blame on immigrants for social issues such as crime, there is additional evidence of racism and xenophobia in the form of derogatory language and dehumanization that the New Law does not prevent completely. The first aspect of this to explore is offensive language used to target the Bolivian population of Argentina. This section, similar to the analysis of government

stigmatization, will be organized into a characterization of examples from before and after the law was implemented. The qualitative data show that the expression of racist discourse has decreased, although it has not been eliminated. Therefore, it shows that there is yet another form of a gap between law and practice. Evidence of callous treatment of Bolivian migrants in society, as outlined in the following section, shows that the anti-discriminatory aspect of the law is highly flawed in reality.

In the years before 2004, public displays of racism toward foreign groups were common. For example, a news article describes racist chants that took place at soccer stadiums just before the implementation of the law, in 2003. However, the author goes further to characterize the discrimination faced by Bolivians due to racism outside of this situation. She supports her arguments with a survey conducted in 2000, which reveals that 65% of Bolivian respondents did not feel safe within the borders of Argentina (Article 7). The negative attitudes toward the Bolivian population were so publicly expressed that more than half of the individuals that identify as Bolivian do not feel safe in the country that they call home.

Part of these negative attitudes is articulated through derogatory language and acts of violence that target Bolivians. A sociologist at a research institute in Buenos Aires calls attention to the motivation behind these alarming actions. He points out that, “racism is also a major factor. ‘In Argentina, white immigration has almost always been welcomed, but Latin Americans with indigenous features have occupied the place of blacks in the United States in the public mind,’ said sociologist Dal a Szulik” (Article 7). The offensive language used during this time aims to identify these populations by their skin color. Although the comparison to blacks in the United States cannot be completely overlaid, it is interesting to consider. “Black” is typically a term that individuals of African descent use to identify themselves. In the case of Argentina, it is a term that

has been applied to indigenous groups. The application by another culture of a term used to identify ethnicity or race is offensive and problematic.

A secondary source outside of the news articles is consulted to confirm and describe the use of derogatory language. Sutton's "Contesting Racism" (2008), a journal article that reveals the hidden and neglected presence of racism in Argentina, confirms the prevalence of the use of extremely offensive slurs, in this case targeting indigenous and Bolivian populations. "People with indigenous or mestizo ancestry have often been placed in the "black" category (e.g., *cabecita negra* or *negro*) or in the "foreign" category (e.g., "*Bolita*," a slur meaning "Bolivian") even if born in Argentina" (112). In this statement, Sutton identifies two factors that contribute to discrimination: skin color and country of origin. Although not all individuals that are born in Bolivia exhibit indigenous features or a darker complexion, it is a characteristic used by Argentines to identify this population, often in a derogatory way. Sutton explains that there are unique discriminations that exist against the Bolivian population as well as the migrant population of Argentina. Bolivian immigrants exist at the intersection of the two, which causes this population to be subject to a hostile and unsafe living environment.

A chart that visualized excerpts coded for racism and derogatory language in the years before versus after the New Migration Law can aid in understanding the transitions that have been made successfully as well as the changes that are still necessary to move closer to an anti-discriminatory society. Figures 5 and 6 below show the percentages of racism and derogatory language codes applied to articles before and after 2004. The percentages are adjusted to account for the discrepancy in the number of articles selected for each period.

Figure 5. Excerpts Coded as Racism Before and After 2004

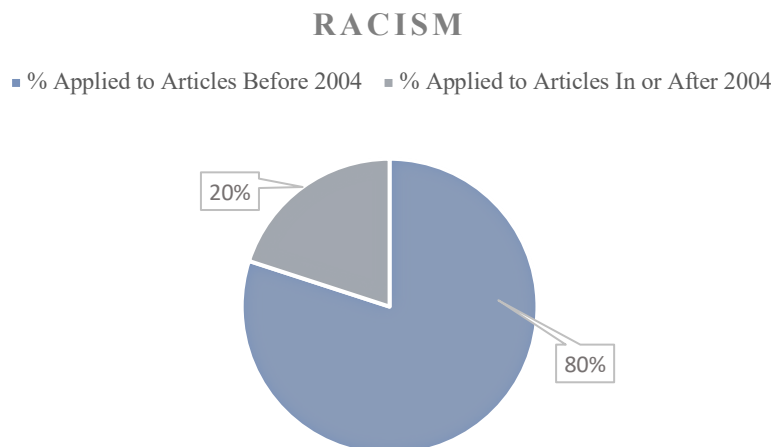
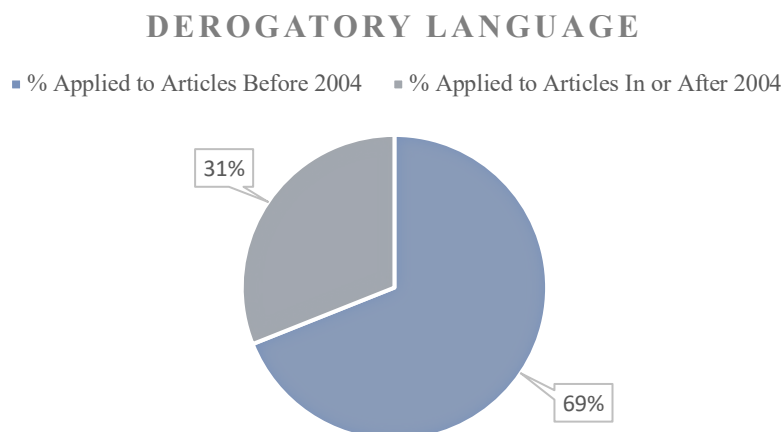


Figure 6. Excerpts Coded as Derogatory Language Before and After 2004



The coding pattern for both racism and derogatory language represents a clear pattern of more codes applied to articles written before 2004 in comparison to articles written after this year. The gray sections of both charts indicate the percentage of the total codes applied to articles that represent situations occurring after 2004. The size of this fraction compared to the fraction of codes for situations before the implementation of the New Migration Law (the blue sections) implies that the law brought about a significant amount of change in the expression of racism by the general

public. However, the existence of the gray sections still indicates that there are improvements to be made in the social enforcement of anti-discrimination and normalizing acceptance of migrants.

Another code to consider in the context of affecting change is the outcome code “acts of violence.” Out of the six situations coded as an act of violence, all six were coded in articles published before 2004. The examples in the coded news articles are extremely hateful. Some include an account of a Bolivian woman and her son being pushed off of a moving train (Article 20) and a situation where attackers violently broke into 80 homes of Bolivian migrants (Article 7). Both of these articles were published before the implementation of the new law. The lack of violence against Bolivian communities in articles published after 2004 is a step in the right direction. However, on the other hand, the existence of the codes applied to articles after 2004 (as seen in Figures 6 and 7 with racism and derogatory language) suggests that Argentina has not arrived at a clear solution for anti-discrimination or a method to enforce laws to eliminate social injustices completely.

One example of persisting racism in the form of derogatory discourse is the use of the word “Bolivian” as an insult. A selected news article discusses the entanglement of racism and the use of this insult, concluding that “Boliviano” is, “only an insult due to the racism of those who use it...and xenophobia, and classism, and contempt for native peoples. Using ‘Boliviano’ as an insult means a profound lack of awareness of what it really means to be Bolivian” (Article 27). The issue is not that people are being identified as Bolivian, but that there is malicious intent behind the identification. Dehumanization in the form of racism is another trend expressed in the news articles. For example, one news article criticizes a TV network for projecting the headline “Two People and One Bolivian Died” when a fatal car crash affected three individuals (Article 23). The network was harshly condemned for this title, but even the fact that no one responsible for the



broadcast realized the mistake acts as evidence of the dismissive attitude toward the Bolivian population.

Similar to the previous section of the analysis regarding stigmatization by the government, the analysis of continued racism and use of derogatory language is consistent with Hypothesis I. In analyzing the shift in discrimination due to the implementation of the New Migration law, the story that lies within the news articles is that there is less of an overt display, but that racism still exists. The evidence shows that there is a gap in policy and practice of the law in more ways than one. It has been previously established that the law has not eliminated institutional discriminatory practices. In addition, this section proves that social discrimination persists as well, especially in forms of interpersonal racism. After taking into consideration governmental factors along with social factors, it is clear that both persist in the face of the New Migration Law. Although the primary sources show that there are changes in the amount of discrimination that exists, policies that target migrants and social racism still occur. In this way, the law fails to fulfill its anti-discriminatory promises.

Re-emphasizing the structure of this research as a gap study, the data show that there is a gap in the implications of the New Law and the tangible effects. This section, which outlined the evidence for the persistence of negative attitudes, shows that there are two fields in which this gap can be identified. One is the political domain, which continues to implement policies that stigmatize the migrant population. The other is the social domain, where migrants continue to feel unsafe due to racism and informal discrimination.

## *II. The Health Care System*

The following section of the analysis will turn to the supporting research question and Hypothesis II, restated below.

How does the shift in migration policy open new avenues for discrimination, specifically concerning the healthcare system?

- II. The New Migration Law created an additional realm in which migrants are subject to discrimination – the health care system.

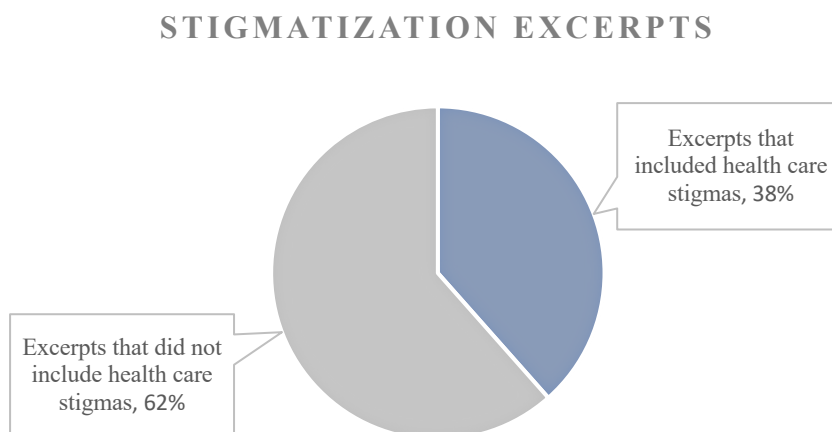
The first section will establish evidence that Bolivian migrants are subject to discrimination when accessing the health care system, mainly in the form of stigmatization. The second section will explore the outcomes of these factors, specifically with regards to policymaking that targets migrants and reverses the New Migration Law. This section will take the human rights-based framework into consideration. It will adopt the notion that medical assistance is a natural and inalienable human right, as the New Law establishes it.

### *II.A Health Care Stigmatization*

The news articles include examples of the presence of stigmas surrounding the issue of crime and safety encouraged by politicians and people in positions of power. However, the stigmatization of migrants has changed with the implementation of the law in 2004. The articles also include several examples of stigmas that perpetuate the notion that immigrants are taking advantage of the progressive New Migration Law and the consequently available services of the healthcare system. Figure 7 depicts the ratio of excerpts coded for stigmatization that included a stigma surrounding immigrants' use of medical services in comparison with the total number of

stigmas coded. About 40% of the total stigmatization codes contained an example pertaining to access to health services, as seen in the chart below.

*Figure 7. Health Care Stigmatization Excerpts*



This section will focus on the 38% of stigmatization excerpts that concerned health care access stigmas. The stigmas will be evaluated from the 2004-present period exclusively because before this year, the system did not welcome migrants regardless of legal status. In fact, all of the health care stigmatization excerpts that make up the 38% in the chart were coded in articles written after 2004. This validates the notion of Hypothesis II, showing that this type of stigmatization appeared after the implementation of the law. Before the enactment of the New Migration Law, documents were much more difficult to obtain for immigrants. Additionally, there was fear surrounding medical assistance and care due to high deportation rates and encouraging of medical professionals to report any cases of irregularity to officials.

The first example of health care stigmatization from the primary sources demonstrates the more factual side of evidence for Bolivian migrants using the resources of the health care system. “From Bolivia, specifically, many patients arrive each year to receive medical assistance in the

province [of Jujuy] due to its proximity to the border and the extensive, high-complexity benefits provided by the health system for free” (Article 4). If an individual living in Bolivia is suffering a health crisis and they can access health care in Argentina, it makes sense that they would go through the effort to do so. When Argentina established health care as a human right, they opened up the option for citizens of other countries to have this option. This excerpt is factual in that there are people that arrive in Argentina to receive care, however, this is seldom the sole factor for emigration for Bolivian migrants.

The following excerpt demonstrates how this stigma can be used in a hostile and xenophobic way. “‘Nobody wants scum to come in from other countries’ he said. ‘Many foreigners come here because health services and education are free. The law should be even stronger.’” (Article 8). This excerpt is a quote from an interview with a 65-year-old citizen living in Buenos Aires. He represents the opinion of 41% of the general public that view immigrants as a burden to natives in a way that impacts the rights to health, education, and social services (UADE 2018), although in this excerpt the opinion is conveyed in an extremely inconsiderate manner. It is important to keep in mind that this quote was recorded in 2017, thirteen years after the implementation of the New Migration Law. The willingness of citizens to express xenophobic attitudes in such a public setting illustrates how this law is not being enforced to the effect that it needs to be. Article 13 of the law characterizes all acts based on grounds of nationality to be discriminatory and therefore unlawful. Although this article is somewhat vague and unenforced, this excerpt violates the law.

The primary source excerpts included in this section validate that stigmas are a new barrier that migrants contend with in the process of accessing health services. People express harsh opinions about their beliefs on whether or not immigrants should have access to this human right.

An observable outcome of these stigmas is their role in policymaking, as discussed in the following section.

## *II. B Health Care Access Outcomes and New Policies*

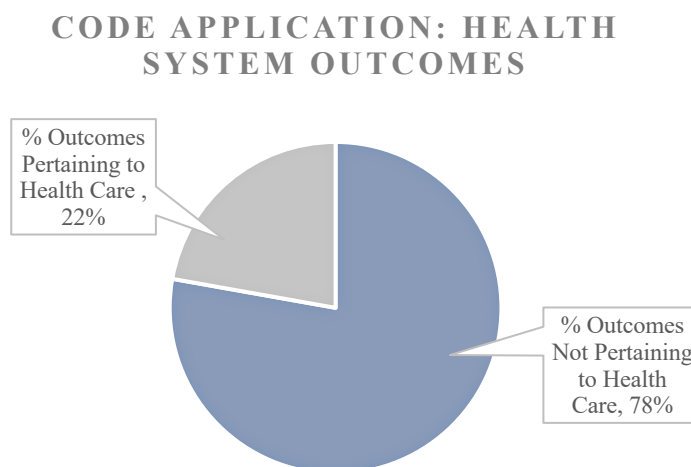
The analysis thus far has presented a comprehensive examination of how governmental, legal, and social discrimination has persisted despite the enactment of the New Migration Law. It has been an overview of the ‘causal factors’ code applied to the data, discussing factors such as xenophobia, racism, and stigmatization that contribute to the discrimination that Bolivian immigrants contend with in their everyday lives. The following portion of the analysis will turn to the outcomes of these discrimination factors within the healthcare system, taking into consideration examples from the news articles as well as from secondary sources.

The section regarding health care stigmatization established that there is a significant percentage of the general public subscribing to and perpetuating the stigma that migrants enter the country for health care because of the implications of the New Migration Law. The main issue with stigmas surrounding foreigners’ use of the healthcare system is that it has led to policymakers targeting migrants and foreign populations to satisfy public opinion. Examples of these policies will be included in the following sections of analysis regarding health care outcomes.

Various aspects act as barriers to the health care system, most of which can be divided into two categories: access to the system or service within the system. After analyzing the news articles, the codes characterized as outcomes fall into the former category, accessibility. The most common code applied in terms of health care outcomes was “Additional Costs for Care,” which included five examples found in the articles. This code was applied to articles that discussed taxing immigrants for health services or implementing cost regulations that targeted migrants specifically.

The other code applied as a health care outcome was “Restricted Medical Care.” Three articles received this code, which was reserved for situations in which migrants are completely or partially denied access to services. Out of 36 total “outcome” codes applied, 8 pertained to the health care system. The gray segment of figure 8, below, represents the application of the codes “Additional Costs for Care” and “Restricted Medical Care.” It depicts the percentage of codes applied that deal with health care system outcomes compared to those that do not.

*Figure 8. Code Application: Health System Outcomes*



All excerpts tagged with “Additional Costs for Care” were coded due to reports of new policies that would increase the amount that migrants would disproportionately have to pay for medical services in comparison with Argentine natives. These policies are especially prominent in the northern regions, for example in Jujuy, a province that borders Bolivia. “The Jujuy Legislature approved the creation of a Provincial Health Insurance System for foreign people, which is detached from the nation and establishes a new legal regime in the area and can charge foreigners who are transitory in the province for medical care in public hospitals and do not record tax contributions” (Article 22). This article, published in 2019, describes a policy that acts in stark

contrast to the New Migration Law. As a reminder, this law states that, “in no case will the rights for health, social assistance and medical assistance be denied or restricted if the foreigner requires them, no matter the migratory condition they have” (*Ley 25.871* 2004). The new policy is a step in the opposite direction for migrants who do not have legal documents and require medical care. This population of Argentina is one of the most vulnerable, yet the policy targets them specifically. The implementation of this policy speaks to the disorder that exists in the health care system as a whole in Argentina. The reason that the Governor of Jujuy, Gerardo Morales, feels the need to support the implementation of the law is due to the lack of funding for Jujuy medical service. The health care system of Argentina is decentralized, which means that individual states are largely responsible for their own funding. Jujuy is one of the regions that experience a higher influx of migrants due to its proximity to countries such as Bolivia and Paraguay and is characterized by a low provincial revenue compared to Argentina as a whole (World Bank Group 2018, 39). The province feels the effects of its lower-income nature, especially in the health care field. The fragmentation and decentralization of the system leave provinces with no choice but to implement policies such as these, and migrants are left to contend with the effects.

Although the creation of the Provincial Health Insurance System in Jujuy is not aimed at Bolivian populations, the following example targets this population. One excerpt coded with “Additional Costs for Care” describes the tension between Argentina and Bolivia, which is tied to policymaking. “[Tensions have] now resurfaced due to the Macri administration’s decision to charge non-resident Bolivians for complex medical treatments, which is common in northern provinces such as Jujuy and also in Buenos Aires” (Article 13). It is important to note that Bolivia is not the only country from which migrants originate. Paraguay and Peru, for example, are other countries from which a significant population emigrate to Argentina. However, this policy

specifically taxes “non-resident Bolivians.” The creation of a policy that calls attention to a migrant group from a single country is an example of a policy based on racist tendencies. At the same time, it perpetuates these injustices against the Bolivian population that are already far too prevalent.

All evidence collected from the primary sources concerning new health care policies confirms Hypothesis II and demonstrates the fact that the New Migration Law created a new space in which migrants experience discrimination. There are new stigmas that acts as barriers to migrants’ access to health services, and new policies that reinforce these stigmas. The excerpts coded for outcomes pertaining to health care include examples of policies that specifically target immigrants. Although granting accessibility to migrants regardless of their legal status was a progressive policy in 2004, Argentina faces a lack of reinforcement of this policy.

The analysis has identified the factors that contribute to the policy gap and explored an example that depicts how this lack of enforcement plays out in the health care system. It has evaluated the research question surrounding how discrimination persists despite the New Migration Law, taking into consideration the two hypotheses. The qualitative analysis process confirmed these two hypotheses, finding that the law lacks in practice in several ways, and that it has introduced the health care system as an additional area in which migrants can be subject to discrimination.

## **CHAPTER VI – Conclusion**

The research and qualitative analysis have explored one case in which a gap between written law and practice exists. It establishes that the implementation of the progressive New Migration Law did not result in complete social and governmental anti-discrimination in reality.



Even several years after the enactment of the law, examples of racism, derogatory language, and stigmatization are present within the primary sources. Gap studies are meant to identify areas in which laws fall short. It is inevitable that law in practice will function differently from law on the books, however, this study identifies a specific area and population that the gap affects. In this case, the health care system is an observable measure of the shortcomings of the New Law. Outcomes visible within the health care system are one of the reasons that the gap in policy matters. The research adopts the same human rights-based approach that the New Law utilizes, identifying medical assistance as an inalienable human right. Keeping this framework in mind, this study answered the question: how do policy implications play out in reality, specifically within the health care field?

The results show that both social and governmental factors continue to play a role in how implications of the law are or are not carried out. Governmental factors include the reinforcement of stigmas surrounding Bolivian migrants and implementation of hostile policies carried out by political figures. Social factors consist of expressions of racism through derogatory language and informal discrimination. Together, these factors contribute to the hostile environment that Bolivian migrants experience in Argentina. This population has been subject to discrimination since the establishment of Argentina as a country with European ideals and influences. The white, European nature of the desired national identity created hostility toward indigenous and Latin American groups that has yet to be overcome completely. Even with a progressive anti-discriminatory law in place, the lasting effects of constitutional European migration promotion can be observed in policymaking and public opinion.

This study should not be the end of the discussion on the shortcomings of the New Migration Law or the effects that these shortcomings have on migrants. It identified and proved

that both of these occurrences exist and have an effect on a significant group of people living in Argentina, the Bolivian migrant population. However, the health care setting is not the only domain in which migrants experience discrimination. The primary sources suggest that education and labor systems are additional areas in which discrimination persists (Articles 11, 20, 24, and 28). The articles mention school and work settings as other areas where the Bolivian population experiences injustices based on race or migratory status and show that access to health care is not the only barrier that Bolivian migrants work to overcome.

Another avenue for research that this project suggests is the study of interpersonal interactions between health care providers and Bolivian migrants. It is likely that stigmatization and discrimination are present not only in access to the system, but within the system as well. This project utilized news articles as a primary source to gauge public and political opinion, but in the case of studying interpersonal interactions, future research could employ the use of interviews with Bolivian migrants as well as health care professionals. It has been established that there are social and governmental factors that contribute to discrepancies in access, but it would be interesting to see how these factors play out within the medical assistance process.

The overarching theme of discrimination in health care is applicable to not only Argentina, but additionally to most countries in the world. Discrimination as a barrier in accessing the health care system is clearly not specific to this case, and challenges with access to health care is a global issue. This research explored a unique case in which health care is granted as a right, yet discrepancies between law and action prevent certain populations from realizing this right. Additionally, there are other barriers that can play a role in access to the system, including financial, geographical, and infrastructure barriers. Although this case investigated the role of

political and social discrimination in health care, questions regarding other barriers are important to consider.

The findings of this project additionally serve as a call to act with compassion toward people with different backgrounds, migratory status, skin color, and cultures. For policymakers and citizens alike, it is integral to keep in mind that each person is an individual, and that applying stereotypes and preconceived notions results in harm, whether intentional or unintentional. This project explored the effects of migration policy on individuals living in Argentina that identify as Bolivian as well as a migrant, however each person carries a unique experience that cannot be summarized simply by those two identities. Gap studies consider the inevitable difference between law on the books and law in practice. The existence of policy does not ensure that it will be completely enforced. As this research does, it is important to question the discrepancies between policy and reality, where these rifts exist, and who the gap affects.

## APPENDIX A: Qualitative Software Walk-Through and Examples

Figure 9. Dedoose Home Page

The screenshot displays the Dedoose Home Page interface. At the top, there is a navigation bar with the Dedoose logo and the tagline "Great Research Made Easy". The main interface is divided into several sections:

- Project: Thesis**: Shows progress bars for Users (1), Media (30), Descriptors (36), Excerpts (181), Codes (70), and Code Applications (337). It includes buttons for "Import Data" and "Export Data".
- Media**: A table listing media items with columns for Type, Title, and Added. The table contains 10 entries, all dated 01/02/2021, related to immigration and discrimination in Argentina.
- Codes**: A sidebar showing a hierarchical list of codes under "Causal Factors (Independent Variables)" and "Context: Affected".
- Excerpts: 181**: A list of excerpts with columns for Resource, Title, Added, Username, and # Codes. It shows three excerpts related to "Tensión entre Argentir".
- Codes x Descriptor**: A bar chart showing the distribution of codes across descriptors. The x-axis represents descriptor ranges (e.g., 1.00-5.00) and the y-axis represents the percentage of hits.
- Descriptor Ratios Multi Chart**: Two pie charts showing the distribution of codes across descriptors. The left chart is for "Set: Default, Field: Article Number" and the right chart is for "Set: Default, Field: Date Published".

This is the default home page of the software as the user is working on a project. There are a few main aspects of the homepage. It is a view of the integral parts of the project, including the codes, media, excerpts, and the quantitative values of each. There are tabs across the top right-hand side that allow the user to navigate between different tools. During the qualitative data analysis process, this page was used as a way to track progress and keep track of the news articles that had already been coded. It also served as a way to start to understand the patterns emerging from the news articles as the coding process was still being completed. It was a useful page to get a general sense of the project.

Figure 10. Article View and Example Coding

The screenshot shows the Dedoose software interface for article view and coding. The main content area displays a PDF document titled "Bolivianos, go home \_ Página12.pdf". The document text is shown on the left, and a "Codes" panel is visible on the right. The "Codes" panel lists various categories such as "Causal Factors (Independent Variables)", "Xenophobia", "Derogatory Language", "Discrimination - Nondescript", "Economic Factors", "Hostility", "Legal Factors", "Racism", "Stigmatization", and "Context: Affected". A "Selection Info" panel is also visible, showing the selected text and the codes applied to it. The selected text is highlighted in green, and the codes are listed in the "Codes" panel.

The selected text is:

El Gobierno quiere restringir la atención médica en hospitales públicos a personas de otras nacionalidades, en particular a los bolivianos. Omitimos detalles de anécdotas justificativas, que solo valen como pretexto para ratificar una decisión previa, ideológica al mango.

El correlativo proyecto de ley exprés del diputado Luis Petri (PRO- Cambiemos), rápido para los mandados chauvinistas, también perdió interés porque espantó aún a varios correligionarios radicales, que tuvieron un intervalo lúcido de memoria y decoro.

The codes applied to this segment are:

- Restricted Medical Care
- Outcomes (Dependent Variables)

This is the page setup for the article view during the actual coding process. As shown, the article appears on the left, and the codes appear on the right. The user is able to highlight segments of text and apply codes to those segments. The coded section of this particular article is enlarged for the reader's viewing, and the following will be an example of how this sentence would be coded in the context of the project. The first sentence reads, "The government wants to restrict medical attention for people of other nationalities, specifically Bolivians, in public hospitals." The codes 'Government,' 'Restricted Medical Care,' 'Health Field,' 'Public Hospital,' and 'Bolivian' were all applied to this segment of the article.

Figure 11. Descriptors and Media

The screenshot displays the dedoose interface, which is used for managing and analyzing research data. The interface is divided into several sections:

- Sets & Fields:** This section on the left shows the configuration of descriptor sets. It includes a table for 'Set Fields' with columns for 'Field', 'Type', and 'Dynamic'. The fields listed are 'Article Number' (Number, False), 'Date Published' (Option List, False), and 'News Source' (Option List, False).
- Descriptors In Set:** This section in the middle-left allows users to manage which descriptors are active for the current set. It includes a 'Columns & Filters' panel with checkboxes for 'Linked Media', 'Linked Titles', 'Memos', 'Article Number', 'Date Published', and 'News Source'. There are also 'Uncheck All' and 'Check All' buttons.
- Main Table:** The central part of the interface is a table listing 31 articles. Each row represents an article and includes columns for 'Selected', 'Linked ...', 'Linked Titles', 'Memos', 'Article ...', 'Date Publ...', and 'New...'. The 'Linked ...' column shows a value of '1' for all articles, indicating that the linked descriptors are active. The 'Date Publ...' column shows the publication date for each article, ranging from 1999 to 2020.
- Navigation and Controls:** At the bottom of the table, there are buttons for 'Delete Selected', 'Select All', 'Select None', and 'Auto Link'. The page status is shown as 'Page: 1 of 2. Items: 1-25 of 31'.

This image depicts the descriptors used for each article. Descriptors were utilized in this project to keep track of article numbers (arbitrarily assigned), date published, news source of the article, and political alignment of the source of the article. Articles were numbered 1-30. The dates published were recorded. During the analysis process, the dates could be sorted into two categories – before and after 2004. The political alignment categories recorded were center, center-right, and center-left. Tracking these characterizing features of each article facilitated analysis of the articles and tracking of time periods during the analysis process.

Figure 12. Memos

The screenshot shows the Dedoose Memos tool interface. On the left, there is a sidebar with the following sections:

- Filter by**: Includes a search bar, a date range selector, and a list of memo groups: 'Default' (0), 'Article Observations' (29), and 'Analysis Process' (3).
- Linked Items**: A section for selecting linked items, currently showing 'No Linked Items selected'.

The main area displays a grid of 15 memo cards, each with a title, a brief description, and a link to the full memo. The cards are organized into a grid view, and the interface includes options for switching to grid view, sorting by date created, and importing or creating new memos.

Survey on treatment of ...	Intra-Hospital discrimina...	The word "Bolivian" as a...	Reinforcing of positive a...	Reciprocity is the goal
According to a survey by the Universidad Argentina de la Empresa (UADE), 70% of Argentines are in favor of immigrants having free access to public health and education. But there is 30% against it, and in some key areas, such as Grea...		we can basically find two large groups of insulting words: those that are insulting in themselves and those that are insulting because the person who insults considers that condition insulting. ...	This article reinforces the idea that migrants stimulate the economy. It denounces the notion that immigrants "steal jobs" from natives, as migrants are often stigmatized for	It seems as though they might have been using this law to leverage reciprocity for both health care systems, reciprocity is discussed in several of the articles. It's understandable that they want reciprocity to be the norm...
Migration Law in use, bu...	Discrimination in obtaini...	Characterization of Raci...	Taxing medical care	Recurring Stigmatizatio...
It is in article 2, which creates this insurance, the local Executive Power is empowered to "establish by regulation the authorizations, modalities, exceptions, nomenclators and remuneration values of the provincial health insurance ben...	The requirement of 60 dollars separates the rich from the poor immigrants, which is a form of discriminating against people who cannot afford to pay for the documents	This article describes the sort of outcomes experienced by Bolivian immigrants in Argentina prior to the law being introduced. These go beyond the racism experienced at the football games, but go deeper into the general fear that was felt by th...	This article is interesting because while the officials do state that migrants have the same rights and ability to access health care as natives, they also are pushing to place tariffs on the care that foreigners receive	
Health Plan for All "...	Coding Scheme	Notion that Bolivian imm...	Related to Sabarots, oth...	Vocabulary used in the a...
This article doesn't mention migrants, even though the Migration Law was in effect starting in 2004. Does "Argentines" include all people living in Argentina?	Having general terms for the coding scheme helps with ability to apply codes and group articles together. I am finding that there is a balance between having codes that are too	This is somewhat of a stigmatization, especially to point out that the migrants are usually from Bolivia specifically. It perpetuates the attitude toward immigrants from Bolivia and	it's interesting that Bolivian immigrants seem to be at the forefront of the concern of opposers to the law, even though the law would affect migrants from many countries	The specific dialect used in the article to discuss migrants is very different than what would be considered respectful today. For example, the use of the term "illegal aliens" is viewed as

This screenshot shows the memos tool page of Dedoose. This was one of the most useful aspects of the software because it was less rigid than the application of codes. With memos, I could keep track of trends and themes that I noticed during the coding process, and I could attach the memos to entire articles. As seen on the left-hand side of the screen, the categories of memos that I created were 'Article Observations' and 'Analysis Process.' The article observations were for tracking themes and useful information gleaned from the articles. The analysis process memos were kept for tracking how my coding process shifted and adapted over time. Together, these two categories of memos were useful in understanding the bigger picture that the news articles represented.

## APPENDIX B: List of Codes Applied

Parent Code	Child Code	Subcode	Criterion for Application
<b>Causal Factors</b>			
	<i>Derogatory Language</i>		A word or phrase that is considered offensive to immigrants or Bolivians is used
	<i>Discrimination – nondescript</i>		This code was used to encompass situations where I didn't feel a specific type of discrimination applied, but I still wanted to record discrimination taking place
	<i>Economic Factors</i>		Used for scenarios where economics as a reason for an outcome was mentioned
	<i>Hostility</i>		When bitterness and unwillingness to accept others is expressed
	<i>Legal Factors</i>		
		New Migration Law	Mention of the New Migration Law in a negative way
		Videla Law	Used for time before implementation of the New Law, when immigration law was used to explain an outcome
		Other Law	Used to record implementation of other decrees or policies
	<i>Racism</i>		Practicing discrimination based on race, disadvantages seen that are tied to race
	<i>Stigmatization</i>		Creating or perpetuating a negative stereotype
	<i>Xenophobia</i>		Fear of immigrants
<b>Outcomes</b>			
	<i>Acts of Violence</i>		Can include any act that inflicts violence on a victim, physical or emotional
	<i>Additional Costs for Health Services</i>		For situations where a factor results in immigrants paying



			additional amounts that natives would not otherwise have to pay
	<i>Deportation</i>		An immigrant being expelled from Argentina
	<i>Fear</i>		When fear or expressions of panic, alarm, etc. were expressed by migrants
	<i>Lack of Basic Needs</i>		Situations in which migrants do not have basic life needs
	<i>Marginalization</i>		Causal factors result in pushing Bolivian migrant groups to the periphery
	<i>Raise Tensions</i>		Mention increased tension between groups within Argentina or between Argentina and another country
	<i>Restricted Entry</i>		Placing restrictions or additional barriers on the entry of migrants into the country
	<i>Restricted Medical Care</i>		Applied when migrants are not able to receive medical care for a reason other than a financial reason
	<i>Violation of Rights</i>		Rights of migrants (usually rights granted by New Migration Law) are violated due to a causal factor
	<i>Vulnerability</i>		When migrants express vulnerability or are reported to be vulnerable due to a causal factor
<b>Context: Affected</b>			The ‘affected’ context codes are applied to information that gives context about the individuals that experience the effects of the causal factors
	<i>Origin</i>		The ‘origin’ codes are used to describe the background of the migrants described in the articles
		Bolivian	Code attached to affected individual described to be from Bolivia
		Chilean	Code attached to affected individual described to be from Chile

		Indigenous	Code attached to affected individual described to be indigenous or of indigenous descent
		Paraguayan	Code attached to affected individual described to be from Paraguay
		Peruvian	Code attached to affected individual described to be from Peru
		Immigrant	Code attached to affected individual described to be from another country, but not specified which one
	<i>Other</i>		
		Adult	Applied to affected individual over 18 years old
		Child	Applied to affected individual under 18 years old
		Criminal Record	Applied to news article segments that mention the affected individual affected having a criminal record
		Doctor	Affected individual is a doctor
		LGBT	Affected individual identifies as LGBTQ+
		Low Income	News article describes affected individual as low-income
		Public Figure	The affected individual is a public figure
<b>Context: Effector</b>			The 'effector' context codes describe the people or groups of people that instigate causal factors and inflict outcomes
	<i>Conservative Groups</i>		The effector is a conservative group of the public
	<i>Doctor</i>		The effector is a doctor
	<i>Government</i>		The government as a whole is described as inflicting an outcome
	<i>Governor</i>		The effector is a governor
	<i>Hospital Director</i>		The effector is a hospital director
	<i>Immigration Official</i>		The effector is an immigration official

	<i>President</i>		The effector is the President of Argentina
	<i>Public Opinion</i>		The news article describes the public opinion as an inflictor of a causal factor
	<i>Secretary of Health</i>		The effector is the Secretary of Health of Argentina
<b>Setting</b>			The ‘setting’ codes are used to describe where discrimination occurs
	<i>School</i>		Any level of school
	<i>Sports</i>		Discrimination occurs at a sports event
	<i>Health Field</i>		Evidence of discrimination relating to the health field
		Public Hospital	Discrimination reported in or at a specific hospital
	<i>Labor Field</i>		Discrimination reported at work or in the labor field
<b>Positive Actions</b>			This section of codes is used to track outcomes or situations in which positive actions, or actions that prevented discrimination, occur
	<i>INADI</i>		Mention of INADI – Instituto Nacional contra la Discriminación, la Xenofobia, y el Racismo (National Institute Against Discrimination, Xenophobia, and Racism)
	<i>New Migration Law</i>		Situations where the New Law is enforced and effective
	<i>Reciprocity</i>		Mention of reciprocity between Bolivia and Argentina in terms of health care services, i.e. Bolivian patients will be able to receive services in Argentina, and Argentine patients will be able to receive services in Bolivia

## APPENDIX C: Primary Sources – News Articles

- Article 1.** “Ahora Bolivia negocia con Argentina un acuerdo de reciprocidad en la atención médica a los extranjeros.” *Clarín*. February 6, 2019. (Accessed February 7, 2021).
- Article 2.** “Alerta oficial por agresiones a bolivianos.” *El Cronista*. June 28, 2000. (Accessed February 9, 2021).
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- Article 4.** “Argentina dice que cobro a extranjeros no se haría en emergencias sanitarias.” *Efe News Services*. (Accessed February 7, 2021).
- Article 5.** Calatrava, A. “Peruanos, paraguayos, y bolivianos abandonan Argentina.” *Efe News Services*. January 29, 2002. (Accessed February 7, 2021).
- Article 6.** “Gobierno argentino lanza plan para asegurar acceso basico a salud.” *Efe News Services*. May 24, 2004. (Accessed February 7, 2021).
- Article 7.** Valente, M. “Bolivian Immigrants Complain of Racist Football Chants.” *Inter Press Service*. March 19, 2003. (Accessed February 9, 2021).
- Article 8.** Romero, S., Politi, D. “Argentina’s Trump-Like Immigration Order Rattles South America.” *The New York Times*. February 2017. (Accessed January 2, 2021).
- Article 9.** “Argentina immigration amnesty fuels xenophobic reaction.” *United Press International*. February 2, 1994. (Accessed February 9, 2021).
- Article 10.** “El periodista boliviano que fue quemado recibirá atención médica en Argentina.” *Efe News Services*. November 16, 2012. (Accessed February 7, 2021).
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- Article 12.** Wainfield, M. “Bolivianos, go home.” *Página/12*. March 4, 2018. (Accessed January 2, 2021).
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- Article 14.** “Críticas en Bolivia a decision de Argentina de endurecer política migratoria.” *Efe News Services*. January 31, 2017. (Accessed January 2, 2021).

- Article 15.** “Denuncian grupo nazi de Facebook que incita a matar a bolivianos y peruanos.” *Efe News Services*. January 19, 2010. (Accessed January 2, 2021).
- Article 16.** “El Gobierno evalúa el cobro de la salud pública a los extranjeros no residents: ‘En cualquier país tenés que pagar’.” *Infobae*. February 19, 2019. (Accessed January 2, 2021).
- Article 17.** “El INADI le recoró a Sáenz que la discriminación es delito.” *Página/12*. September 22, 2020. (Accessed January 2, 2021).
- Article 18.** “En Comodoro Rivadiva quieren cobrarles los insumos medicos a los pacientes extranjeros.” *Infobae*. February 11, 2019. (Accessed January 2, 2021).
- Article 19.** “INADI: En la salud también se discrimina.” *Télam Radio*. November 17, 2016. (Accessed January 2, 2021).
- Article 20.** Alonso, V. “Argentina: Inmigrantes expuestos al abuso.” *Inter Press Service*. January 14, 2003. (Accessed February 7, 2021).
- Article 21.** “Argentinos no quieren a bolivianos, peruanos, ni paraguayos.” *Efe News Services*. June 20, 2001. (Accessed February 10, 2021).
- Article 22.** “Jujuy: aprueban una ley para cobrarles la atención médica a extranjeros.” *Clarín*. February 7, 2019. (Accessed February 9, 2021).
- Article 23.** Giavedoni, D. “La discriminación de los bolivianos en los medios.” *Página/12*. July 17, 2019. (Accessed January 2, 2021).
- Article 24.** Urien Berri, J. “La discriminación es la raíz de los problemas de los bolivianos.” *La Nación*. April 10, 2006. (Accessed January 2, 2021).
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- Article 26.** “OIM anuncia acuerdo para ayuda a inmigrantes bolivianos.” *Efe News Services*. July 2, 2004. (Accessed February 7, 2021).
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- Article 28.** Alonso, V. “A Tough Policy on Deporting Migrants.” *Inter Press Service*. January 31, 2003. (Accessed February 7, 2021).
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