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# MIGRATION POLICIES AND STATE CONTROL IN ARGENTINA: EXPERIENCES OF VULNERABLE BOLIVIAN WOMEN WHO CROSS THE BORDERS

**ABSTRACT.** This paper analyzes the way in which migration policies impact in the trajectories of Bolivian women who live and work in the outskirts of the main cities of Argentina. It focuses on three cases representative of the experiences of women laborers who, coming from the poorest rural areas of Bolivia, crossed the international border when Argentine migration policy was very restrictive. It shows that symbolic and socio-economic borders keep on excluding them, as well as other labor migrants, within the Argentine territory even when the current Migration Law enacted in 2004 is more inclusive, since it grants human and social rights to the migrants. It highlights the way in which particular state control mechanisms operate nowadays both at the international border and within the Argentine territory, and analyses the difficulties that these women experience due to their positions of class, ethnic, gender, nationality and migratory status. It remarks that despite the changes in the immigration policy of Argentina, state policies keep on controlling labor migrations in accordance with the paradigm of the governance of migration. It also analyses the strategies that these women develop in order to sort out state control policies. Therefore, it considers that they are active agents even though they still have feelings of fear and trauma associated with the crossing of borders.

**KEY WORDS:** migration policies, state control, borders, women's labor migrations

## INTRODUCTION

This paper analyzes the way in which migration policies impact in the trajectories of Bolivian women who live and work in the outskirts of the main cities of Argentina. It focuses on three cases representative of the experiences of women laborers who, coming from the poorest rural areas of Bolivia, crossed the international border when Argentine migration policy was very restrictive. In spite of the current more inclusive Migration Law enacted in 2004, symbolic and socio-economic borders keep on excluding within the Argentine territory and have a negative impact in the daily lives of these women.

We explore the way in which particular state control mechanisms operate both at the international border and within the Argentine territory. We show the difficulties that these women migrant laborers experience due to their positions of class, ethnicity, gender, nationality and migratory status. Despite the amendments in the actual immigration policy of Argentina, which currently grants human and social rights to the immigrants, state policies keep on controlling labor migrations in accordance with the paradigm of the governance of migration.

We point out that there is still a feeling of fear and trauma associated with the crossing of borders. In addition, we refer to the agency

of these women, analyzing the strategies they developed in order to sort out state control policies. The vivid experience of crossing an international border implies to identify oneself before the security forces of the country of origin as well as those of the host country (Sassone & Cortes, 2010). Thus, it is necessary to know the state policies, their requirements and due procedures. However, not everyone willing to cross the international border is updated with the issues required to entry a foreign country. Success not only depends on the kind of restrictions imposed by migration regulations, but also on the degree of arbitrariness of border controls and on the degree of socio-cultural vulnerability of potential immigrants (Pizarro, 2009a).

Socio-cultural vulnerability of labor immigrants occurs in both the country of origin and in the host country. It relates to the ways in which the intersection of different inequalities assigns them to specific social positions and to their various economic, social and cultural capitals. Both factors also affect, on one hand, their knowledge of how to cross borders and to move within a transnational social space (Tarrus, 2000) and, on the other, their degree of suffering.

Formally speaking, Argentina has an open immigration policy in favor of immigrants coming from the countries belonging to the Mercado Común del Sur (MERCOSUR, Common Market of the South)<sup>1</sup> as it is stated in the Ley de Migraciones de 2004 (Migration Law 2004). In addition, the national authorities launched a program that aimed to regularize the migratory status of the citizens of the MERCOSUR who had migrated before the enactment of that law (Pizarro, 2012a). Although the Argentine-Bolivian border is neither controlled nor militarized, as it is the case in other countries, this does not guarantee the inexistence of tensions and difficulties:

...There are regulations, rights, duties, fears, conflicts, prohibitions, fraud, abuses, uncertainty, strategies recorded in territories of walls without walls, at least in this region of South America (Sassone & Cortes, 2010: 227, our translation).

### BOLIVIAN IMMIGRATION TO ARGENTINA

Latin American flows of immigrants to Argentina are long-standing since the first National Census of Population registered them in 1869. Besides, according to historical and archeological records, they have preceded the formation of the republican states. Until the mid-20<sup>th</sup> Century, these flows have coexisted with those coming from Europe and other countries of the world. Nevertheless, between 1880 and 1950 Argentine authorities only encouraged the latter, since they expected that Europeans would modernize the country and whiten the indigenous physical features and cultural manners of the native population.

Migration flows coming from neighboring countries<sup>2</sup> (see the map) have increased during the last 150 years in comparison with the decrease of transatlantic ones, which had been so important between 1869 and 1960 (see Fig. 1). According to Bologna (2010), European flows disappeared in the mid-20<sup>th</sup> Century because of economic and political reasons. The first relates to the changes in the economic situation of the sending countries, and the second to migration policies of Argentina.

On the contrary, as this author remarks, the entry of immigrants coming from neighboring countries has steadily continued. Nevertheless, they were only noticed when those immigrants coming from other continents (mainly from Europe and Asia) aged and there were no more new arrivals. As it can be seen in the results of the National Census of Population, the volumes of immigrants of both origins in 1991 were

<sup>1</sup> This group includes four member states: Brazil, Paraguay, Uruguay and Argentina and associated countries: Chile, Bolivia, Perú, Colombia, Venezuela and Ecuador.

<sup>2</sup> Chile, Bolivia, Paraguay, Brazil and Uruguay.

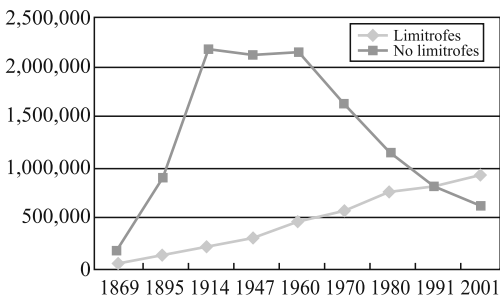
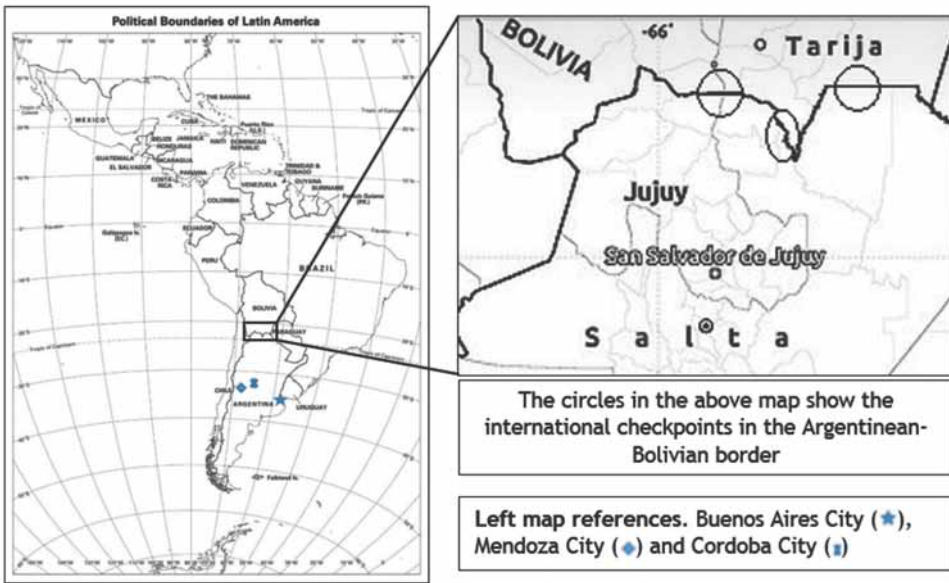


Fig. 1. Population born in neighboring (*limitrofes*) and non-neighboring (*no limitrofes*) countries between 1869 and 2001

equal, and in 2001, the amount of people born in neighboring countries (923,215) was 60,3% per cent of the total of foreigners (1,531,940).

The most important flows coming from neighboring countries to Argentina are the Paraguayan, the Bolivian and the Chilean ones. In 2001, the amount of people of those origins was more than half of the total of foreigners. Figure 2 shows the evolution of these flows between 1859 and 2001. According to Bologna (2010), only the Bolivian flow had a positive growth rate during the whole period.

In 2010, migrants coming from neighboring countries and Peru (which is also located in

the South Cone of Latin America) were 77,6% of the foreign population in Argentina and 3,5 % of the total population (40,117,096), as Table 1 shows. The main migratory population groups were the Paraguayan in the first place and the Bolivian in the second. Bolivians were 0,85% of the total population (345,272).

According to Cerrutti and Parrado (2006), migration flows coming from neighboring countries and Peru increased during the 1990s because of the overvaluation of Argentine currency (Argentine Peso) in comparison with the American Dollar and

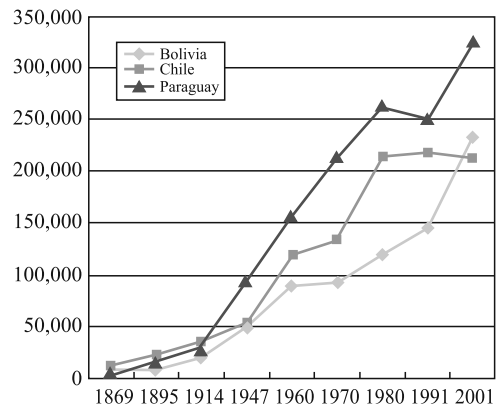


Fig. 2. Population born in neighboring countries between 1869 and 2001

Table 1. Evolution of the population of Argentina between 1980 and 2010

Year	Total population (1)	Foreign-born population (2)	(2)/(1) ratio	Neighboring countries-born population (3)	(3)/(1) ratio	(3)/(2) ratio
1980	27.947.446	1.903.159	6,8	753.428	2,7	39,5
1991	32.615.528	1.615.473	5,0	817.428	2,6	50,5
2001	36.260.130	1.531.904	4,2	923.215	2,6	60,2
2001(*)				1.009.800	2,8	65,9
2010	40.117.096	1.805.957	4,5	1.245.054	3,1	68,9
2010(*)				1.402.568	3,5	77,6

\*Population born in neighboring countries and Peru

Source: Catillo & Gurrieri (2012: 19)

also due to the greater development of Argentine economy in relation to that of other Latin American countries. Benencia and Quaranta (2006) remark that intra-continental immigrants did not return to their homelands during the 2000s, even though there was a great economic crisis in Argentina in 2001 that caused a strong devaluation of the Argentine Peso and a high increase of unemployment.

In the case of Bolivian migration, it has steadily increased since the 1980s due to the economic and political situation in both Bolivia and Argentina (Domenech & Magliano, 2007) and because of the existence of long-

standing migratory social networks. This flow is dynamic and is permanently renewing. It is a family migration since the amount of women and children has considerably increased since the 1960s.

Before 1950, male laborers migrated seasonally from Bolivian Andean rural households to the Argentine Provinces of Jujuy and Salta, located in the international border area (see the map below), in order to work in agriculture. After 1950, industrial modernization and urbanization processes in Argentina attracted Bolivian families southwards to the cities of Buenos Aires, Mendoza, and Cordoba. In the 1990s, a stable macroeconomic context, comparatively

Table 2. Spatial distribution in Argentine regions of migrants coming from neighboring countries and Peru, 2010

Region	Bolivia	Brazil	Chile	Paraguay	Uruguay	Peru
Buenos Aires City	22,1	25	5,1	14,5	26,3	38,4
Province of Buenos Aires	42,8	23,8	24,4	71,3	60,6	44
Outskirts of Buenos Aires	33,1	16,4	12,4	60,8	47,8	33,5
Other Areas of the Province of Buenos Aires	9,7	7,4	12	10,5	12,8	10,5
North West	16	2	1,4	0,3	0,9	1,5
North East	0,3	35,8	0,3	9,9	1,1	0,3
Cuyo	8,5	2,2	11,2	0,1	0,8	3,8
Patagonia	5,9	3,2	54,5	1,1	2,1	1,2
Center	4,2	7,7	2,8	2,4	7,9	10,6
TOTAL %	100	100	100	100	100	100
TOTAL	345.272	41.330	191.147	550.713	116.592	157.514

high salaries, and Bolivian potential immigrants' imaginaries about the Argentine modern and urbanized way of life made the country more attractive. Since then, Bolivians have spread all around Argentina (Benencia, 2012), taking jobs in low skilled and labor intensive sectors of the economy. As it can be seen in Table 2, in 2010, 65% of Bolivian immigrants lived in the city of Buenos Aires and its outskirts, 16% in the North West Region (international border area), and 8,5% in the Region of Cuyo (where the city of Mendoza is located).

International immigrants coming from impoverished social contexts usually integrate into marginal segmented labor markets (Herrera Lima, 2005; Portes, 1995;

Pries, 1998; among others). In Argentina, there are specific informal sectors available for Bolivian labor immigrants such as construction, agriculture, small-scale industry, and domestic service (Bologna, 2010; Curtis & Pavecchia, 2010; Pizarro, 2011). Labor informal agreements bring about a lack of access to social security and healthcare services as well as fewer possibilities of education for children and young people. Unlike natives, Bolivian workers usually accept to live and work under extremely poor conditions.

The concentration of Bolivians in urban areas has increased during the last 50 years possibly due to the availability of these kind of jobs (Table 3). According to the results

**Table 3. Branches of economic activity that concentrate at least half of the Paraguayan, Bolivian and Chilean laborers residing in Argentina, according to sex, 2002**

Male		Female	
Branch	%	Branch	%
Born in Paraguay			
Construction	31,4	Domestic Service	58
Manufacturing Industry	17	Trade	9,9
Trade	14,9	Manufacturing Industry	6,3
Other	36,7	Other	25,8
Total	100	Total	100
	62.275		58.829
Born in Bolivia			
Construction	26,6	Domestic Service <sup>1</sup>	26,9
Agriculture	23	Trade <sup>2</sup>	23,2
Manufacturing Industry <sup>3</sup>	19,4	Manufacturing Industry	13,6
Other	31	Other	36,3
Total	100	Total	100
	63.932		33.692
Born in Chile			
Construction	23,3	Domestic Service	35,3
Trade	15	Trade	15
Manufacturing Industry	14,2	Social Services and Health Care	8,5
Other	47,5	Other	41,2
Total	100	Total	100
	5.843		3.285
<sup>1</sup> Domestic services in private households <sup>2</sup> Wholesalers and retailers; automobile service, motorbike service and other services <sup>3</sup> Small-scale industry Source: Bologna (2010: 183)			

of the National Population Census 2002, Bolivian men mainly work in agriculture and women in domestic service. However, qualitative researches show that women and the whole families as well, work in the fields together with their male relatives in the outskirts of cities such as Buenos Aires, Córdoba and Mendoza (Benencia, 2008, 2009, 2012; Pizarro, 2009b, 2010, 2011; Pizarro & Trpin, 2012). One of the reasons of such subregister is that there is a common belief that work of women and children in this activity is just a help.

Bolivian labor immigrants are in the lowest positions of socio-economic and symbolic hierarchies both in Bolivia and in Argentina. Most of them were born rural peasant/indigenous areas, have low educational levels and are low skilled. In their homeland, they are discriminated with stereotypes such as "Peasants", "Indians", "Coyas" because of their indigenous phenotypes and certain cultural manners. Besides, they are expected to accept such unequal socio-cultural positions by being compliant, working in excess and not aiming to become rich or educated.

These previous experiences of oppression aggravate in Argentina, since these migrants are also placed in the lowest steps of the socio-cultural hierarchy (Pizarro, 2012a). They are radically defined as aliens because they have certain indigenous phenotypes and cultural manners that the hegemonic imagined white, modern and European-like Argentineness has systematically denied.

### ARGENTINE MIGRATION LEGISLATION

Although during the second half of the 19<sup>th</sup> and the first half of the 20<sup>th</sup> Centuries Argentina promoted itself as a country opened up to international immigrants, it mainly expected the settlement of European citizens in order to whiten the physical features of native people and to modernize the country. When overseas immigrations declined in the 1950's, the flows of migrants coming from bordering countries became evident. Since

people coming from Latin America and Asia were considered "unwanted immigrants", several restrictions were imposed to them. For example, the Ley General de Migraciones y Fomento de la Inmigración N° 22439 of 1981 (Migration and Encouragement of Immigration Law 22439, 1981) brought about a closed and restrictive migration policy. In this way, the admission, entrance, permanent residence and exit of immigrants were highly controlled and those foreigners who did not have a regular migratory status became illegal and were obliged to exile<sup>3</sup>.

In 1991, the MERCOSUR was created in accordance to a policy of regional integration that fostered the free movement of goods, capital and labor. It was thought that Argentina was experiencing "migratory problems" due to the steady territorial mobility of Paraguayans, Bolivians, Peruvians and other immigrants coming from the other countries of the block. At the same time, Argentine authorities endured additional international pressures due to the importance that the immigration issue had gained in the global agenda, and to the domestic activism of several nongovernmental organizations that claimed for the human rights of the immigrants. In this scenario, the Argentine State passed the Ley de Migraciones N° 25.827 (Migration Law 25.827) in January 2004.

This enactment brought about a change of direction in the immigration policy since it recognizes the right to migrate, and it fosters the equality of treatment of the immigrants and their access to information. It guarantees the non-discriminatory admission of citizens of the MERCOSUR and their access to social services, public benefits, health assistance, education, justice, work, employment and social security. It specifies that the irregular situation of a foreigner does not prevent him or her from being admitted as a student in educational institutions or from accessing to health, social or sanitary assistance.

<sup>3</sup> For a detailed analysis of Argentine Migration Legislation see: Curtis and Pacea (2007); Domenech (2011); Novick (2008); Pizarro (2009a, 2012a); Sassone and Cortes (2010) among others.

It also says that the State of Argentina must develop measures aiming to regularize the migratory status of foreigners. In this way, some months after the Act was passed, the Programa Nacional de Normalización Documentaria Migratoria (National Program for the Regularization of Immigrants Identity Documents) called *Patria Grande* (Big Homeland) was launched for those foreigners born in the countries belonging to the MERCOSUR and the associate member countries.

Nevertheless, in spite of the change in the spirit of the Law that seeks for the inclusion of immigrants, the current policy is still framed by the paradigm of migration governance. This is so, among other factors, because state practices mainly aimed to the regularization of the administrative status of migrants (Domenech, 2011), and to the discrimination of different kinds of foreigners according to the type of permit of residence they are assigned and the activities they are allowed to perform (Courtis & Pacea, 2007).

The Law establishes three categories of permits of residence: transitory, temporary and permanent. The transitory one is granted to all foreigners wishing to enter the country for a period of three months, but they are not allowed to work. In the case of citizens of the member states of MERCOSUR and associates, no visa is required.

In order to obtain the temporary residence permit for two years and to be allowed to work<sup>4</sup>, it is necessary to go through many tricky bureaucratic proceedings that demand time, money and the know-how. No visa nor work permit is required for citizens of the member states of the MERCOSUR and associates. It is also necessary to go through uncomfortable proceedings in order to renew this permit after two years.

<sup>4</sup> This means that they have to register before the Agencia Fiscal de Ingresos Brutos (Tax Revenue Agency) and have to pay taxes when they start working.

After the period of two or four years of having a temporary residence permit, foreigners have to apply for a permanent one. This permit is granted to those who have Argentine relatives or can demonstrate that they have enough economic resources.

Entry to the country is allowed only through the international checkpoints authorized by the state. Those immigrants who enter through a clandestine route can be expelled from the country. It is also prohibited to offer jobs to irregular foreigners and to those having a transitory residence permit.

As we have seen, although many people think that current Argentine migration is open and receptive towards foreigners, there are too many legal requirements in addition to the expectation that applicants have the necessary economic, social and cultural capitals. Even though the amount of paperwork required in order to apply for the permits of residence is certainly less than the one under prior legislation, it is still a trap for many foreigners who are in the most vulnerable social positions such as labor migrants. This reveals a paradox: on the one hand, the Migration Law 2004 formally grants immigrants their human and social rights but, on the other hand, it creates several obstacles for their access to those rights (Pizarro, 2009a).

## BORDERS AND STATE CONTROLS IN ARGENTINA

Changes in the law did not result in a decrease or optimization of border control procedures. Considering that borders are not only geographical but also administrative, legal, economic and symbolic (Grimson, 2000; Kearney, 2008), some foreigners keep on finding difficulties to cross them. Besides, borders have a great impact in their lives (Pizarro, 2009a).

According to Sassone and Cortes (2010), state immigration controls are carried out through mechanisms of inspection performed in the international border areas (checkpoints in



international bridges, ports, airports and routes) as well as within the national territories. In the latter, controls can be performed both explicitly through public policies (source of employment, access to social services and police controls) or implicitly (bureaucratic obstacles, xenophobic mechanisms). Additionally, state officers and/or mediators construct the State in its margins<sup>5</sup> when they make or apply state regulations because, laws are universal but they have to be interpreted in each particular case (Asad, 2008), often leading to inaccuracies and arbitrariness (Fagundes Jardim, 2012).

In Argentina, there are three types of controls in international areas: security, customs and migration. Migratory controls are carried out in fixed checkpoints in bridges, airports and land routes by the Dirección General de Migraciones (General Direction of Migrations). Security controls are performed by the Policía Migratoria Auxiliar (Auxiliar Migration Police) and, in the case of those located in ports, by the Prefectura Naval (Naval Prefecture). Gendarmería Nacional (National Gendarmerie) is in charge of custom controls in fixed or movable checkpoints, which are located in nearby land routes.

Sassone and Cortes (2010) say that the five border checkpoints placed in the international border between Argentina and Bolivia (map) tend to be experienced as a distinguishing mark by the people who cross them since it is at that moment when they become immigrants and foreigners. Most Bolivians enter legally as tourists through these checkpoints with a transitory residence permit, but others cross by clandestine routes.

Although the border between Bolivia and Argentina cannot be compared to those militarized, such as the "Death border" between México and USA (Kovic & Kelly, 2006), migrants have always experienced abuse, discrimination, fear, terror, and/or

anguish both before and after the Migration Law of 2004. The various control mechanisms are part of a state biopolitics (Foucault, 2009) and tend to be harder with Bolivians. This is because their phenotypes, ways of talking and corporal hexis recall Latin American indigenous ancestry, making them more vulnerable to arbitrariness and xenophobic discrimination (Pizarro, 2012a, 2012b).

### THE EXPERIENCE OF CROSSING THE BORDERS OF VULNERABLE BOLIVIAN WOMEN

According to Sassone and Cortes (2010), crossing international borders can be a traumatic experience. However, it also challenges immigrants to create strategies in order to defeat control powers, which may vary according to their social positions both in their places of origin and in their migratory contexts<sup>6</sup>.

The experience of crossing of the border will be less painful if potential immigrants know the formal and informal proceedings beforehand. According to the information that circulates among migratory social networks, they frequently know that they will find many obstacles such as to be asked for identity documents or arbitrarily delayed. They may also be aware that they might have to make several tries until they succeed.

During our fieldwork, we experienced one of the state control mechanisms that tended to prevent the entry of some Bolivian immigrants through a customs checkpoint located in the Province of Jujuy. A group of officers from the National Gendarmerie carried out the customs inspection with the explicit aim of controlling drug illegal trade:

One dark and cold night of August 2012, I was travelling by bus from La Quiaca (town

<sup>5</sup> These margins do not only refer to international borders but also to grey areas of state-society relationships within the social network (Das and Poole, 2008).

<sup>6</sup> Anthias (2006); Bastia (2013); Oso Casas (2008); Parella Rubio (2003); Rosas (2010), among others, have studied the way in which the intersection of class, race, gender and nationality inequalities influence the social positions, migratory and labor trajectories, and everyday experiences of migrant women, fostering or limiting their autonomy in different spheres of life.



located in the international border) to San Salvador de Jujuy (capital city of the Province of Jujuy) with three colleagues. The vehicle was stopped on a customs control checkpoint of the Prefecture. It was located on the route, roughly 50 km away from La Quiaca. All the passengers had to get off the bus with their luggage and to queue up at the edge of the route in front of a group of officers. One by one they had to open their bags and suitcases and the officers threw their contents to the floor in order to "look for drugs"<sup>7</sup> and "smuggled" goods. When their boss noticed that my colleagues and I were waiting in the queue for our turn, he invited us to go into the customs office since it was very cold. Our luggage was not checked and the officer apologized for the delay explaining that "bolitas"<sup>8</sup> always brought in "illegal" goods, referring in this way to drug trafficking and smuggled clothes that people usually buy in Bolivia and resell in Argentina. We thought that probably our clothes, skin color and corporal hexis made the officer think that we were not like the rest of the passengers and led him to treat us better (Fieldwork Diary, August 2012).

The groups that cross international borders in the most painful ways are usually young people without experience, women travelling alone, and migrants of rural or indigenous origins (Sassone & Cortes, 2010). As we suggested elsewhere (Pizarro, 2012a), people born in Bolivian peasant-indigenous areas are frequently oppressed and marginalized in their own country. In Argentina, their phenotypes and corporal hexis are associated with the indigenous ancestry denied by the hegemonic ideology of a white, European-like and modern nation. Besides, women from rural areas are discriminated because of their low level of education and lack of knowledge of Spanish. In short,

...the border becomes a place where thefts, aggressions and frauds are common

ground. Some immigrants who lack of identity documents are able to cross them successfully when they turn to intermediaries in order to obtain a passport, residence permit papers or just to be assisted when crossing the border (Sassone and Cortes, 2010: 247, our translation).

*The intersection of legal, administrative, economic and symbolic borders within the Argentine territory: to be torn between vulnerability, "ignorance" and "I don't know why it happened to me"*

Bolivian women who migrate to Argentina do not only feel their vulnerability at international border checkpoints but also within the national territory where symbolic and economic borders operate (Caggiano, 2007). Such is the case of Elena<sup>9</sup>, who experienced a high level of suffering when trying to cross this kind of internal borders.

She was born in the Departamento de Potosí (Potosi District), located in the Andean Region of Bolivia, and is the daughter of peasants. She is a Quechua speaker and virtually illiterate. She travelled for the first time to Argentina in 1996 with her husband. At the beginning, they lived in Buenos Aires where she worked as a house cleaner until she got pregnant for the first time. After that, they moved to Mendoza where they worked in a brick factory and in a horticulture field.

Then, they went back to Bolivia, starting a coming and going period "as all peasants do". During this time, two more kids were born. Finally, they moved to the outskirts of the city of Cordoba where they worked in several brick factories. Around 2005, they took a piece of land and built a "tiny room" in an impoverished and peripheral neighborhood of the said city where they now live. Her husband works in construction and she knits clothing that sells informally in downtown streets. She sometimes complements the

<sup>7</sup> We use quotation marks to transcribe textual expressions recorded during our fieldwork.

<sup>8</sup> Discriminatory expression that is usually used in Argentina to refer to Bolivians.

<sup>9</sup> We use pseudonyms to preserve the identity of our interlocutors.

family incomes working seasonally in a potato field.

In 2009, we knew about the difficulties that Elena was encountering to cross the legal, administrative, socio-economic and symbolic borders between Bolivia and Argentina. We also became aware of the way in which state control mechanisms influenced her life and that of her family (Pérez, 2011; Pizarro, 2009a). At that time, it was critical for her to obtain the Argentine identity document. She had started the proceedings to regularize her migratory status four years ago with no success because she was accused of having a “false” Argentine ID, so the state officers withheld it.

She had obtained this “false” ID some years ago, when some officers from the Registro Nacional de las Personas <sup>10</sup> (National Register of People) had gone to the brick factory where she and her family used to live and work offering the possibility of quickly processing Argentine IDs for all the migrant laborers. Elena decided to apply for hers because she had lost her Bolivian ID and had not started any migratory process since then. She also applied for one for her eldest daughter who had never been registered as born in Argentina. This was so because Elena had been scared about being assisted at a hospital when she was born in 2001 since she was afraid of being “sent back to Bolivia” due to the illegal migratory status she had at that time (before the National Migration Law 2004). Therefore, Elena travelled to Bolivia with her family and registered the child as being born there. After that, they returned to Argentina.

Elena obtained both IDs. However, when she started the proceedings of the regularization program “Patria Grande” in 2004, she found out that those IDs were false<sup>11</sup>. Moreover, she was

accused of giving false testimony because she had declared that her daughter was born in Argentina while at the same time the girl had been registered as a Bolivian citizen.

Therefore, neither she nor her daughter could regularize their migratory status although, in her opinion, she had done all the required proceedings. She remembered that the paperwork was too expensive and tedious, among other things, because she was told that she needed “two witnesses” that had to certify her address in order to “get the precarious”. She knocked at the doors of several neighbors asking them for that favor, but nobody would do it for free, so she finally had to pay “\$10 to each one”.

Due to the irregularities found in both IDs, she had to go through different state offices. Besides, state officers usually said: “We cannot understand you and you do not understand us”. Elena went to the Consulado de Bolivia (Consulate of Bolivia) where she was not assisted. She also asked for help to a migrant association called Centro de Residentes Bolivianos de Córdoba (Center of Bolivian Residents in Cordoba) whose president told her that he would charge \$4000 to assist her in the process.

Elena was a victim of bad service and false information. There was certainly a problem of communication since Spanish is not her mother tongue, but above all, state officers and mediators lacked of a favorable predisposition to help her. They mistreated her either when she was alone or when she was accompanied by one of our research team members or by a lawyer of a nongovernmental association that gives legal assistance to vulnerable social sectors (Pérez, 2011). Nevertheless, Elena

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their citizen status for many years. Mardones (quoted in Pizarro, 2009a) points out that the problem of false IDs is very common among immigrants in Argentina. According to this author, false IDs have different origins. Most of them were issued during the immigration amnesties of 1987 and 1992–94 while others correspond to a period of regular migratory proceedings. The degree of falseness of these IDs varies. It is significant that many of these documents were issued by a state agency that is in charge of extending national IDs. Still, illegal private mediators made others.

<sup>10</sup> This state agency is responsible to issue the ID card in Argentina.

<sup>11</sup> The same state agency deceived eighty-four persons by issuing them false IDs. Therefore, they were not able to regularize

thought that she was treated worse when she was alone, since when she was accompanied the officers “don’t explain to me like that”.

She was also very upset because the lack of IDs prevented her and her daughter to get access to social services even when, according to the Migration Law 2004, the state guarantees those services even to immigrants with no IDs or with an irregular migratory status. She explained that the officials in charge of a state program of social assistance aimed at families in risk of social vulnerability would not include her because “it is only for people who have IDs”. She told us that, for the same reason, she was not allowed to be the legal guardian of her daughter and, therefore, she could not be awarded a scholarship. She also thought that she would not be able to register the girl at high school since at elementary school teachers demanded the girls’ ID every year and she had to ask to the Head of the school to intervene.

Elena told us, while sobbing, that her husband blamed her for wanting to obtain the IDs and for “getting into that trouble”, and that sometimes he hit her for that. In one occasion, she went to the police station to do a legal complaint but the police officer did not proceed because “I did not have the ID”.

This case shows how state control mechanisms reinforce socio-economic, politic and cultural segregation among certain immigrants since the state itself creates illegality through actions and contradictions. This is an evidence of either the lack of instrumental rationality of state practices or its overuse (Pizarro, 2009a).

Elena asked us “what does counsel mean?”, “What does precarious mean?” At the same time, she was not aware of the reasons why she had to go from one office to the other<sup>12</sup>.

<sup>12</sup> According to section 86 of the Migration Law 2004, “foreigners who are within the national territory and lack of economic means have the right to free legal advice concerning those administrative and judicial proceedings which can result in denying them permission to stay in the country, forcing them to return to their country of origin or expelling them from the Argentine territory. Besides, they have the right to be assisted

This shows that vulnerable migrants, as well as other impoverished citizens, suffer both objective and subjective legal marginality. The latter means that they perceive the legal system as being distant and unintelligible. Therefore, they do not consider it as a valid and/or effective way of resolving conflicts.

In 2009, Elena told us that she had endured all these difficulties because she was “ignorant”. Some years later, when she had already obtained the IDs, she said that “maybe I haven’t understood them [the state officers], I don’t know, in the end I don’t know why it happened”. According to Pérez (2014), immigrants with irregular status feel ashamed because they have low self-esteem and a tendency to blame themselves. This feeling is called potential statutory illegitimacy. Therefore, the substantive change introduced by Migration Law 2004 when it states that those foreigners, whose migratory status is not in order, are irregular but not illegal is blurred in everyday practices.

Elena suffered so much that she even dreamt about the IDs and the extremely difficult proceedings. Nevertheless, she had enough courage to go to the offices of the National Direction of Migration with a Peruvian friend who did not have an ID and had not regularized her migratory status yet because she did not have enough money and time. They were both upset because an urban bus company denied their children the student pass ticket, as it was also the case of other migrant children of their neighborhood and, for that reason, they could not attend school. Her friend, who had gone to the office “to speak on behalf of all”, posed the problem to an officer, who questioned her about her migratory status. As her friend answered that she had not been able to proceed for the regularization, the officer said to her that if she had not have enough money, she should have spoken to a social assistant in order to be excused from payment. He said in a

by an interpreter if they do not understand or speak the official language” (Pérez, 2014:18, our translation).

derogative tone: "How is it that you didn't know that?" and added: "It is very easy to be in a status of illegality" (Pérez, 2011).

Finally, in 2013, Elena obtained both the residence permit and the ID. Her daughter also got her ID as it was proved that she had been born in Argentina. Therefore, she could finish her elementary education studies and started high school.

As Pérez (2014) remarks when she refers to the fetishism of papers, migrants usually highly value the opportunity to be granted residence permits and IDs since they imagine that they will have access to the same citizenship rights as nationals have. Elena's obsession with getting those papers was due to her anxiety about fulfilling the necessary requirements to access the rights that immigrants are granted by law. The lack of information regarding the proceedings encourages the existence of children with no birth registration, and therefore, lacking of the correspondent ID. It is striking that the broadcasting made by Argentine state organizations, consulates, and non-governmental organizations is not accurate to improve the access of migrants to their rights. In addition, even though the proceedings are less tedious nowadays than they were before the Migration Law 2004, they are still too expensive, especially for impoverished labor immigrants.

The attitudes of Elena and her friend show that women tend to have a leading role in the running of migratory proceedings, and in the struggle to access to rights and social services for their children above all. In correspondence with the hegemonic gendered image of a good mother, they face a long path of bureaucratic rituals, controls and inspections, which are mechanisms of discipline that enact the biopolitics of the state (Fagundes Jardim, 2012).

As we have said before, controls are not located only in the international checkpoints. These mechanisms also operate in the

bureaucratic proceedings that foreigners run in order to have access to rights such as residence permits, IDs, and social services. Such controls are reinforced when state officers and mediators mistreat those labor immigrants who are defined as "unwanted", as it is the case of vulnerable Bolivian women.

*The intersection of geopolitical, administrative and legal borders: between "cutting the braids" or "getting lost"*

Bolivians who wish to cross the international border and do not have the required documentation are frequently helped by relatives or acquaintances who have already done so. In other cases, they have access to the information that circulates through migratory social networks. As Sassone and Cortes (2010) say, it is necessary to know certain codes of conduct and strategies in order to become invisible when facing state officers. For example, regarding corporal hexis, it is important not to wear new clothes because of a possible suspicion of trafficking clothes. It is also recommended not to wear traditional clothes because they might be associated with those of indigenous peoples.

The case of Juana is an example of how to embody these strategies to cross the border, making profit of the know-how that circulates through migratory social networks. She was born in Tarija and she actually lives and works in a horticulture field in the outskirts of the city of Córdoba. She left Bolivia in 1998 when she was 19 years old:

We left our home because we felt very lonely. All of my dad's family were in Mendoza and [all the relatives from her mum's side], were born here [in Argentina], my grandparents, all of them were born in Buenos Aires. And they called us, 'What are you going to do there alone?' (...) The idea was mine really (...) I wanted to come and meet my family (...) and my father didn't allow me, didn't allow me. [He said:] 'You are living alone, what for?' I have two elder brothers and they didn't agree with me coming here. 'I am going to work for

a while and come back', I said, 'to be there, to meet our grandparents.' (...) I insisted. Then, my brothers said 'no, no, let's go to Santa Cruz [city in Bolivia], if you don't want to be in the countryside let's go to the city', they told me (...) and we went to Santa Cruz (...) We stayed there for two years. From here, from Mendoza, an uncle went to visit us and said 'But what are you doing here? It's nice over there.' The people over there, you know how they are, they say, 'in one year I bought me a van, I bought that.' We were thinking, we earn money [in Santa Cruz], yes [they worked harvesting sugar cane, and selling goods, clothes and food]. [The uncle told her father] 'How are you going to put your daughters to work like that, in the cane? My daughters over there don't work.' Therefore, my eldest brother said 'I will see', he said, he went to Mendoza, to the field [where her relatives worked], with my uncle. He went there and said 'No, it's nice, so let's go'.

Juana's decision to leave was part of a family migratory project traversed by unequal gender and generation relationships. These inequalities overlapped with those related to her national ethnic origin when she crossed the international border with her family.

They crossed the highly controlled checkpoints without the required documentation. None of the members of her family had Bolivian documents because before "we weren't asked for them there in Bolivia, now they do [request them], but before they didn't (...) there was not much control before". Their uncles went to pick them up to the border taking with them the IDs of their daughters and wives so that Juana and her relatives could pretend to be them. They also took "Argentine clothes" for Juana and her sisters and made them "cut their braids" to "look like" Argentine women. In this way, thanks to their uncles' help, they were able to cross the international checkpoints deceiving the controls of the state officers.

Once within the national territory the border raised again for Juana and her sisters. They worked with no Argentine IDs in Mendoza.

Only her brothers and father had false ones. Juana wandered:

How is it possible that we had believed [that her father and brother's IDs] were good? One doesn't know because over there [in Bolivia] it is different (...) We [the women of the family] also wanted to have our IDs and [her father and brothers] told us: 'No, you are women, what for?' and they acted like "machitos" [manly men], so they had their IDs done and such was the case that today they still have problems.

After some years, the women of the family ran the proceedings to obtain their residence permits and IDs according to the regulations of Migration Law 2004. Therefore, they were in a better position than her male relatives were. Nevertheless, this case shows that Bolivian women coming from the most impoverished social sectors are in a very vulnerable position. This is because gender and generation inequalities based on the patriarchal ideology of their homeland overlapped with those based on ethnicity and nationality in the migratory context.

The following case proves that some immigrants know how to cross the international border avoiding migratory controls. Raquel was also born in Tarija and she works at present in a horticulture field in the outskirts of Cordoba city. She went with her three children to Argentina in order to meet her brothers at the beginning of the 1990s. They crossed the international border through a clandestine route as if they were "lost", hidden among a big group of Bolivian immigrants.

The definition of herself and her sons as "lost" can be related to the category of vagrants. Tarrus (2000) suggests a typology to classify different kinds of mobility and territorial trajectories: diaspora, vagrancy and nomadism. Vagrants are migrants that do not keep bonds with their place of origin, go over many places throughout their trajectories, and keep a distance from the

host society. Although this is not exactly the case of Raquel, we can identify some features of this category since, according to Tarrus' definition, vagrants are those migrants who are in an extremely vulnerable position, such as, "undocumented immigrants, exiled without support, fugitives, and people without material or symbolic resources due to unfortunate reasons" (Ibidem, 2000: 51, our translation).

After the current Argentine Migration Law was enacted in 2004, it was possible for Raquel to regularize her migratory status and that of her children so she ran the necessary proceedings and could obtain their IDs. However, in 2010, she told us that she was still scared about crossing the border back to Bolivia together with one of her sons because he was a minor, and she did not have the authorization of his father since she was a single mother. At the same time, her son was afraid because he thought that state officers would take away his computer during the controls.

Both Juana's and Raquel's cases show that, even when vulnerable migrants might use certain strategies to successfully cross international borders no matter how restrictive policies may be, borders have a great impact in the trajectories and everyday lives of vulnerable labor migrants. Borders define who are welcome and who are not assigning foreigners the lowest social positions in particular migratory contexts. In Argentina, Bolivian immigrants coming from indigenous-peasant areas are highly discriminated and racialized. Xenophobic stereotypes and socio-economic vulnerability exacerbate in the case of women labor migrants coming from impoverished peasant-indigenous areas, highly constraining their possibility of achieving autonomy.

## CONCLUSIONS

It is believed that Argentine migration policy is very inclusive, but this rhetoric of inclusion

has limitations either in the letter of the current Migration Law and in state practices. Although this inclusive turn is desirable, it must not be taken for granted that this kind of migratory policy goes beyond the paradigm of migration governability that aims to control labor migrations.

There is a proclaimed intention to regularize the migratory status of foreigners, especially of the citizens of the MERCOSUR. However, the proceedings for obtaining residence permits and IDs, and the arbitrariness and xenophobic discrimination of state officers foster a considerable amount of "irregular immigrants". The impact of such label does not differ so much from that of "illegal migrants" in the prior legislation based on a rhetoric of exclusion.

Explicit and implicit state controls are carried out in administrative, economic, politic and symbolic borders both in international areas and within the national territory. They tend to prevent the entry of the most vulnerable immigrants and to produce irregular ones, contributing to the availability of very cheap workforce eager to accept extremely precarious jobs.

The classification of who are the citizens of a political community and who are not is part of the political economy of culture that defines who are worthy to belong to the nation. As Vertovec (2011) says, the conceptual triad identity-borders-systems is a key instrument to build the national imaginary. In this sense, in a context of economic, legal and cultural systems marked by differences, international borders reinforce the sense of national identity of the people living in each side:

This triad is legitimized and reproduced through a system of narratives, public rituals, representations and institutions, informal social relationships, written and unwritten regulations, expectations of politeness and public behavior (Ibidem: 146, our translation).

In this scenario, policies and state institutions that control international borders become guardians of the nation. Besides, the images about borders projected by politicians, laws and the mass media affect the way in which migrations and immigrants are perceived, reinforcing moral borders. Certain categories such as irregularity or illegality (De Genova, 2002) lead people to support consciously or unconsciously the hegemonic prototype of the social order.

According to Kearney (2008), border systems have a double function. They standardize unequal economic exchanges influencing in this way the social position of migrants, and producing their cultural exclusion. As we have seen, Bolivian women coming from vulnerable indigenous-peasant areas are affected in both ways when crossing the borders to Argentina. However, even under such restrictions, some are able to avoid state control mechanisms. ■

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