

# FREE RESIDENCE OF PEOPLE AND MOBILITY IN SOUTH AMERICA

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# Discourse

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- The **human right to migration** and the recognition of migrants as subjects of Law, must be at the centre of State's migration policies. In line with this, we claim the **unconditional respect of the Human Rights of migrants**...and we condemn all xenophobic, discriminatory and racist acts...regardless of their migratory status, and **reject any attempt to criminalize irregular migration.**

# Translation into Law

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- National level: Several migration laws, several Constitutions.
  - Non criminalization of irregular migration.
  - Right to migrate as a fundamental right.
  - Open borders.
- Regional level. Free Residence of people and possible future South American citizenship.

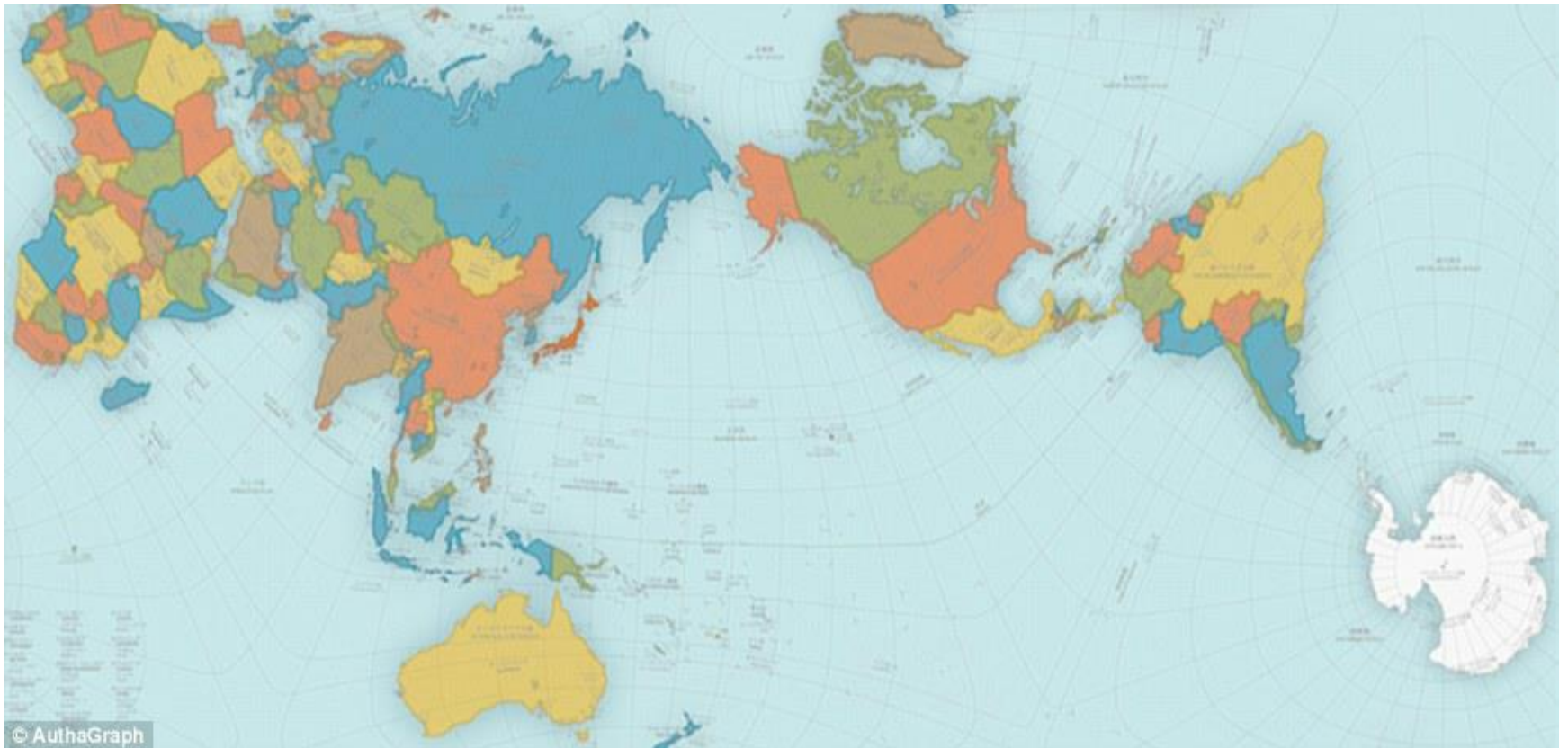
# Two claims

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- Innovative
- Exceptional

# Hajime Narukawa's map

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# 1980s back to democracy

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- HRs instruments ratification.
- Emigration countries (Dictatorships, 1980, turn of the century).
- Reassessment of the emigrant: from traitor to hero (dual citizenship, voting abroad).
- Many undocumented.
- Reassessment of regional integration.
- Demands of better treatment addressed to EU and USA.
- Restrictive laws uncomfortably coexisting with new Constitutions.

# New Laws

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- Non-criminalization of irregular migration (chapter 5).
- Right to migrate as a fundamental right (chapter 6).
- Open borders (chapter 7).
- Yuxtaposition.

# MERCOSUR Residence Agreement

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- End irregular migration-
- No right of entry but only residence.
- Applies to all South America, except Sur, Guy and Ven.
- Temporary Residence Permit for 2 years.
  - If clean criminal record.
- Permanent Residence Permit after 2 years (but Uruguay)
  - If sufficient resources.
  - Else fall back into national law and possible irregularity.
- Right to work, family reunification and civil rights among others.



# Challenges

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- Incongruity between different instruments
- Implementation.
- Adjudication.
- Scope, who is included? Extra-regional?
- A new form of market citizenship or conditions?
- A temporal regime?
- Dialogue between regions outside Europe.  
Understanding Narratives.

Thank you!

Questions and Comments

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