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Calling Abroad: Latin America Reshapes Its Emigrant Policies

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Latin American and Caribbean states seek new relations with their emigrants. From external voting rights to co-funding schemes for remittances, states have introduced a range of cross-cutting policies in an attempt to reach out to their citizens abroad. Yet, these "emigrant policies" hold challenges for all parties involved: migrants, sending states, and receiving states.

- Latin American and Caribbean states have a long history of outmigration. About 18 million Latin American and Caribbean migrants reside in the United States alone. For some Latin American and Caribbean countries, over 15 per cent of their population live abroad.

- Migrant remittances are a key pillar of many economies, accounting for 20 per cent of GDP in El Salvador. Yet, these transfers are only the tip of the iceberg of broad transnational migrant networks. Emigrants engage with their home countries through many channels besides the economic.

- The region has become a pioneer of an emerging global trend: the development of state policies that explicitly target emigrants along social, economic, cultural, and other areas.

- Citizenship is the main area in which emigrant policies have developed, followed by social policies, which suggests a significant spillover beyond borders of basic state welfare functions.

Policy Implications

Emigrant policies present new patterns of engagement of states of origin with emigrants. Receiving states should carefully consider the specificities of those patterns when developing integration strategies. Across Latin America and the Caribbean, some countries help their emigrants to remain abroad and to integrate, thus strengthening the continuation of emigration, while others seek their return and adopt policies that are more conducive to circular migration programmes. In both cases the emigrant policy approaches of states in the region lower the costs of integration for emigrants and receiving states, providing useful benchmarks for sending countries and venues for sending and receiving states to collaborate.

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Latin America and the Caribbean: A Region of Emigrant Policy Experimentation

Migrating to another country no longer necessarily means losing the connection with the state of origin. Emigration has come in handy for many states of origin, easing tensions in situations of political contestation, an overall lack of security or economic prosperity. As states seek to reconnect to their emigrants, scholars have advanced a number of explanations for this, ranging from securing a steady flow of remittances to using emigrants as a foreign policy lobby in their countries of residence. Studies on emigrant policies – also called "diaspora engagement policies" or "state-led transnationalism" – have shown that Latin America and the Caribbean are in the vanguard of experimenting with such policies.

The dynamic increase in emigrant policies has broken taboos in the international system. In the past states considered emigration to represent a loss of their citizens for the political community, akin in many cases to betrayal and, in practice, disfranchisement. This was the result of a world of exclusive and even antagonistic political loyalties, especially during the Cold War. But it also reflected a fear of violating sovereignty norms by reaching out to populations in other nation states. Today, however, this is no longer the case, and national governments explicitly enfranchise their citizens abroad through special procedures and even special parliamentary representation. Likewise, the engagement of migrants who are citizens of two political communities is no longer frowned upon, as illustrated by the increasing acceptance of dual nationality in the world and the growing trend of enfranchising emigrant voters. Still, even though these phenomena constitute legitimate forms of transnational politics, they are not fully devoid of controversy.

Emigrant policies can still create problems in both sending and receiving countries, especially when (i) diasporas abroad contribute to economically sustaining totalitarian regimes at home, as in Eritrea; (ii) extending voting and citizenship rights to diasporas may tip political balances at home and abroad, as in Croatia; (iii) diasporas are mobilised for nationalistic agendas, as in Hungary; or (iv) states of origin condemn their emigrants as traitors should they fully integrate abroad, as in Turkey. Yet, not all states engage with their emigrants in this conflictual way. The kinds of efforts states of origin make to reach their diasporas make a difference in terms of rights accorded to emigrants as well as the degree to which they inhibit integration into receiving states and facilitate emigrants' connections to their countries of origin. The measures taken by Italy and Mexico to secure more citizens by allowing second- and third-generation emigrants to claim nationality are a case in point. Some Latin American states also reach out to people who are on a transit journey or devise strategies to assist their citizens to navigate through difficult legal landscapes when they are undocumented.

Although Latin American countries share cultural, legal, and political traditions, the region is socio-economically and politically diverse. Several states in the region have experienced waves of political emigration in the last 50 years, with hundreds of thousands fleeing dictatorships. Following the return to democracy, many exiles returned to their countries of origin only to witness further emigration due to new reasons – mainly a lack of economic opportunities, basic security, and peace. Nowadays, Latin America and the Caribbean displays a range of migrant profiles: countries with net immigration (e.g. Costa Rica), countries with high levels

of outmigration (e.g. El Salvador), and countries characterised by complex dynamics, such as refugees, transit migration, and high levels of return migration (e.g. Colombia and Ecuador).

Previous works have analysed the emigrant policies of specific Latin American countries, usually as case studies, and focused on a rather narrow set of economic and political dimensions (Calderón 2004; Lafleur 2012; Escobar 2007, 2015). Margheritis (2016) covered several dimensions, though only for a few countries. Cross-case comparative studies have suggested that states cluster according to several emigrant policies, but there have been no efforts to survey the wide range of emigrant policies under different policy dimensions for a whole region. Our study breaks new ground not only by broadening the geographic focus to 22 countries (and including countries other than the "usual suspects," such as Mexico), but also by employing a data collection effort that takes into account a far wider range of emigrant policies than usual. Figure 1 describes the multiple dimensions of "emigrant policies" found through this data collection, ordering them first into the administrative dimension – which is an enabling condition for the emigrant policies to become a reality – and then into the policy dimension, where we include 10 policy fields in which Latin American and Caribbean states extend their reach to emigrant citizens.

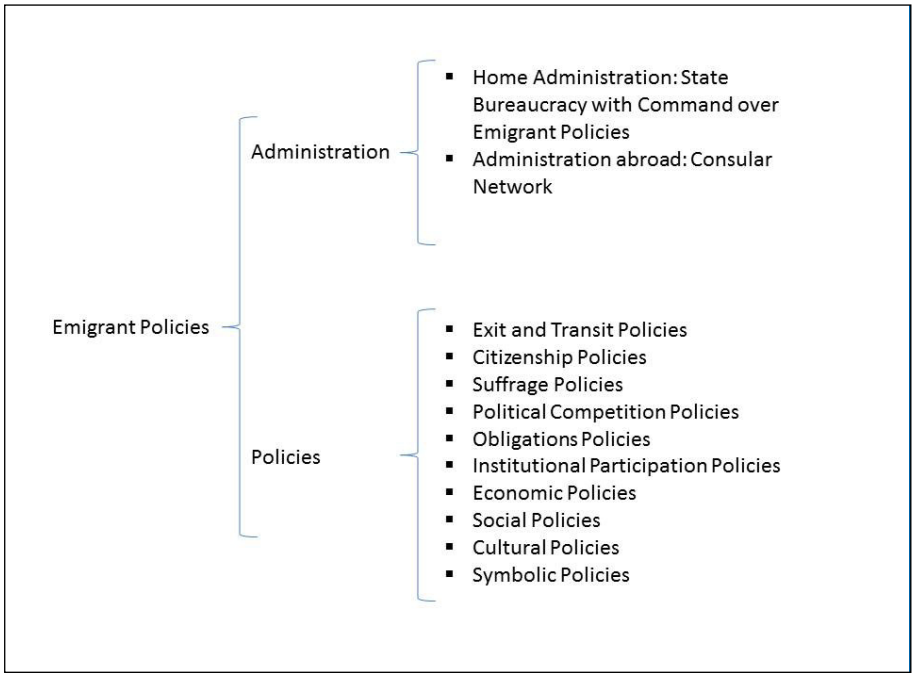

Figure 1
The Dimensions of Emigrant Policies
The data collection tool we employed allowed us to find the exact same information for each country. The categories were first deductively constructed, following expert literature, and then inductively enriched with new data that did not fit the predetermined categories.

Source: Own theoretical elaboration based on remotely collected data consisting of legislative and authoritative policy documents for all countries involved, such as nationality laws, suffrage regulations, political party programmes, and government policy papers.

How Latin American and Caribbean States Reach Out to Their Citizens Abroad

Emigrant policies are not emigration policies. The latter regulate the act of people leaving their countries, while the former regulate the rights, duties, and participation rights of emigrants who already reside abroad. In between emigration and emigrant policies are, as analytical categories, the exit and transit policies of some Central American countries, which are designed to aid (potential) emigrants and those in the process of migrating by informing them about their rights as humans and migrants, the dangers of migration, safe routes, and emergency numbers – a

particularly relevant need given the dangers of crossing the Mexican territory in recent years.

For those already abroad, citizenship policies are the key dimension that provide emigrants with formal membership of their national communities and enable them to claim rights and use services provided by their respective states of origin. It is important to note that in Latin America there is a consequential legal distinction between "nationality" and "citizenship," which are usually treated as synonyms in continental Europe. While nationality denotes membership of a nation state, citizenship is a subset of it and refers to the status that enables nationals to participate formally in the political community. The regulations of dual nationality are of particular importance in determining whether and how emigrants can engage with their states of origin after they become residents and/or naturalise abroad. With the exception of Cuba, all countries in Latin America allow their emigrants to acquire a second nationality, which leads Vink et al. (2013) to note that tolerance of dual nationality has spread with greater intensity in the region than anywhere else in the world. This tolerance has often been paired with the inalienability of the nationality of origin, a trend commenced by nationality reforms in Mexico and, soon after, in other Latin American states. Meanwhile, in Uruguay – a country with some of the most interesting citizenship regulations in the world – emigrants are deprived of citizenship, though not of nationality, and can only recover this status once they return to Uruguay.

Another central element of emigrant policies is suffrage from abroad (passive and active external voting rights), which relates to the citizenship rights that emigrants can effectively exercise. The franchise rights of emigrant citizens differ from those of resident citizens in several regards: the type of elections in which they may vote, voting conditions, registration methods, and the specific mode of representation (i.e. how the votes are counted and how they convert into seats). Regarding the first three issues, Mexico has displayed great variation in the last decade. In 2006 Mexicans abroad were able to vote for the first time in presidential elections via postal vote. However, due to a cumbersome registration procedure, only 33,111 votes were received from the eligible population of an estimated 4 million voters, meaning that the costs per vote were between 3 and 10 times higher than those for votes by Mexicans residing in Mexico (Pedroza 2014). The resulting widespread outcry led the Mexican authorities to attempt to increase the efficiency of postal voting, which resulted in a 23 per cent increase in participation from abroad in the 2012 elections. Moreover, in 2014 successive electoral reforms changed all the provisions that were identified as causes for the low level of participation. As of 2016 Mexicans abroad have the right to vote in presidential, senatorial, and (in some states) gubernatorial elections and will be able to vote either by mail, in embassies and consulates, or via the Internet once further regulation is passed.

Special representation has only been tried in some states of the Mexican federation and does not exist at the national level. Rather, Colombia, Ecuador, and the Dominican Republic are the forerunners when it comes to different forms of special representation in their national parliaments. In the latter, for instance, seven seats of the lower house are reserved for Dominicans abroad. They may vote in three new circumscriptions that correspond to geographic regions containing locations in which they are concentrated: the first contains nine cities in the United States and Canada; the second, Caribbean cities and Miami; the third, select cities in the world

with dense communities of Dominicans, such as Amsterdam, Barcelona, Madrid, and Milan. In stark contrast to these special representation mechanisms, there are still four countries in the region where emigrants have no external voting rights of any kind (i.e. Belize, Cuba, Jamaica, and Uruguay) and two countries that have passed reforms but have failed to develop the regulation to implement them (i.e. Chile and Nicaragua).

Closely connected to emigrant political participation, by regulation of political competition we mean whether parties are allowed to recruit members, organise assemblies with emigrants, and to campaign abroad. Ecuador is the country that most explicitly regulates political competition abroad, ensuring that it develops under the same circumstances as it does in Ecuador. In most Latin American countries political competition abroad has not been explicitly regulated, resulting in a grey zone with regard to party campaigning and financing beyond borders. In other countries the lack of regulation of political competition abroad is just an extension of the lack of regulation within national borders. In both cases, the lack of clarity regarding the rules for political competition for emigrants' votes and campaigning abroad could have worrisome implications for the legitimacy of political participation by emigrants.

States extend not only rights to emigrants, but also obligations. Even though Latin American and Caribbean states have few resources to enforce obligations beyond their territorial boundaries, some have found a way to promote the fulfilment of reduced social service or a special process to defer military service. In Mexico, for instance, age-eligible emigrant males can defer military service at a consulate; this is important for any emigrant returning to Mexico and seeking formal entry into the labour market since employers are required to check to see whether potential employees have fulfilled this obligation.

In addition to formal political rights, emigrant voices have gained direct access to the governing institutions of their home countries through consultative and advisory bodies designed to represent them vis-a-vis the policymaking agencies that deal with emigrant policies. This is a form of institutional participation that entails varying degrees of formality, competencies, and autonomy across eight states in Latin America and the Caribbean. In El Salvador, Guatemala, Peru, and Mexico these consultative bodies are located at the national level, whereas in Jamaica consultative councils are decentralised and located abroad (often connected to consular jurisdictions). The Dominican Republic, Brazil, and Uruguay have multilevel consultative bodies at both the national and consulate levels.

Beyond the political dimensions of emigrant policies, states seek to foster their economic ties with non-residents. Most prominently, these policies aim to promote and facilitate the transfer of remittances and also try to foster emigrant investments. Some states have opened special banking channels for emigrants to remit their money, thus allowing them to avoid paying the high fees charged by cash-to-cash companies; have limited the fees charged for money transfer; or have established new banking channels that are quick, reliable, and easy to handle for emigrants and their families back home. A broad range of studies on the use of remittances by households as well as on their effects on development, political behaviour, social relations, and gender relations reveal a mixed picture: although remittances raise the social status of households, provide recipients with basic nutrition and education (which helps to break cycles of poverty and political dependence), and offer

financial security, generally speaking, they have a limited – maybe even negative – effect on gender and parental relations, inequality in the local context, and sustainable development since most transfers are spent on consumption. This explains why several states of origin have devised programmes to stimulate the transfer of remittances for investment purposes. For example, "hometown associations" enable emigrants to meet, mingle, and organise with other emigrants from the same places of origin and to collectively donate to improve the well-being of their families back home. This is an example of the so-called trans-local associative action of migrants whereby they organise in their local communities in the receiving country to improve their local communities of origin. Mexico has been a front runner with regard to co-investment schemes in which emigrants and the state of origin each contribute financially to infrastructure or community development projects. These schemes originally emerged at the local level, with local governments cooperating with Mexican hometown associations in the United States. At times the volume of funds available for these projects exceeds seven times the budget of local governments for public works (Orozco 2012).

Unpacking the economic policy dimension of emigrant policies allows us to see the prototypical case of Mexico in a different light – specifically, that Mexico is, in comparison to other Latin American countries, a latecomer in other important areas of emigrant policy, such as return. Aside from sending money from abroad, emigrants can make a difference to the socio-economic fabric of their places of origin by coming back and applying their know-how. For this to work, however, it is important to develop policies that incentivise return, such as those pursued in Ecuador whereby the state pays for emigrants' journeys back home. Returning emigrants are also more likely to have a productive impact on society if there are schemes in place which allow them to put the skills they have acquired to use in economic activities upon their return (e.g. job placement initiatives or provisions to recognise titles and professions). States can even tap into the skills of their emigrants without having to convince them to return through so-called brain-circulation programmes. These programmes are based on networks that foster knowledge transfer from emigrant professionals abroad (typically in the branches of science and technology) to institutions in the state of origin by replicating research institutes or research teams in the state of origin or establishing partnerships that allow for short-term exchanges of professionals between home and receiving countries. Argentina, Colombia, and Uruguay have pioneered the development of these programmes.

Thus, regarding economic policies towards emigrants, it is important to note that there is a divergence of practices between Central and South America: Central American countries are heavily dependent on remittances and have developed many policies to attract and facilitate these, whereas, since 2012, South American states have focused on return programmes and vowed to stay clear of co-investment programmes that tap into remittances, deeming these a private resource for individuals and families that should not be used by the state.

Some of the most impressive new developments in the field of emigrant policy have taken place in the field of social security policy. Even though the term "welfare state" does not often seem adequate in Latin America, we have seen a significant extension of social policies for emigrants in the realms of health, education, and employment benefits (mainly pensions). In some cases these apply to emigrants on the same terms as they do to residents; in others they apply to emigrants only in a

supplementary logic and tend to be administered by consulates. While states with large emigrant communities that predominantly reside in the United States (such as Mexico and Central American states) are the main promoters of consulates administering or even directly delivering social services, states with smaller and more disperse emigrant communities (such as Brazil, Colombia, Ecuador, and Uruguay) offer emigrants a level of social services (e.g. pensions) equal to those enjoyed by residents.

Although former colonial powers have traditionally created "cultural institutes," the states of Latin America and the Caribbean have been increasingly developing cultural policies towards emigrants. Brazil is the clearest case of a state in the region promoting its cultural heritage (e.g. language, traditions, etc.) to its emigrants, which is perhaps also powered by a larger strategy of soft power projection.

At times, observers dismiss certain emigrant policies as being "symbolic" in the sense that they "send a message" rather than fundamentally change relations between states of origin and their emigrants. However, this label is not very helpful, since all the policies described so far represent real investments of human and financial resources by states of origin. Moreover, there is another dimension of emigrant policies, with explicitly symbolic policies employed by states to formally recognise emigrants' contributions. Symbolic policies come in different forms – for example, the declaration of specific days to commemorate emigrants (as in Peru), the organisation of national-level conferences to discuss emigrants' contributions (as in Venezuela), the inclusion of specific references to emigrants' contributions in a constitution (as in Ecuador), awards for emigrants' valuable services to the emigrant communities (as in Mexico and Brazil), and the creation of symbolic entities that include emigrants beyond the districts and provinces that formally belong to the state (as in Uruguay, where Departamento 20, a symbolic addition to the country's existing 19 provinces, was created to represent Uruguayans not included in any of the 19 provinces.)

Adapting the Branches of Bureaucracies at Home and Abroad for Emigrant Policies

In order to make emigrant policies credible, they must be matched by bureaucratic instruments and administrative capacities that can put them into practice. Several states have created a wide range of new bodies in their bureaucratic structures to administer emigrant policies. It is important to distinguish between whether these bureaucratic changes take place in the home administrative structure or in the bureaucratic arms of the state that extend beyond borders: the consular network. The variety and complexity of these structures reveals, on the one hand, issues of authority and the priority given to emigrant policies and, on the other, an increasing division of labour in terms of stages of emigrant policymaking: design, implementation, and consultation.

Consulates have traditionally been the structure in charge of assisting and protecting the citizenry beyond a state's borders. However, emigrant policies go beyond traditional consular tasks as defined by the 1963 Vienna Convention on Consular Relations, such as protection and assistance of nationals abroad in need

of documents, legal or judicial advice, or repatriation. Thus, it is important to see whether consular networks have been extended in order to deliver the new emigrant policies and whether consulates have been upgraded to include new services and functions. This is what we call external administration of emigrant policies. Latin American and Caribbean states are true pioneers of improvements in this field – for example, creating "mobile consulates" to offer additional services and reach remote populations.

Consular networks, however, are always connected to institutions located in the home state – typically to those responsible for foreign affairs. However, central administration for emigrant policies could also fall under a new ministry explicitly created for that purpose or an already established ministry that is responsible, for example, for labour or social and development affairs. The dimension home administration covers variations in rank, function, and autonomy regarding the units that centrally administer emigrant policies. In Latin America Ecuador has the highest-ranking bureaucratic body dedicated explicitly to emigrants; Chile, interministerial coordinating agencies and a directorate inside its Ministry of Foreign Affairs; and Mexico, an autonomous body in charge of designing emigrant policies and a directorate in charge of executing such policies. Finally, some Latin American countries (especially federal states like Brazil and Mexico) provide examples of how emigrant policies are first developed at the subnational and even local levels of government and then adopted at higher levels and harmonised horizontally. But not all policies developed at the local level ascend to the national level or even pass through the centre as they spread from local space to local space. Local emigrant policies develop as consular services acquire more room to manoeuvre and develop policies on their own. Délano (2014) also found evidence of diffusion of emigrant policies at the local level across consulates of different states that work with similar emigrant communities in the United States.

A Glance at the Multiple Dimensions of Emigrant Policies

The density of policies and institutions for the different dimensions of emigrant policies are represented below in a heat map (see Figure 2) using a colour gradient: the lighter the square, the sparser the corresponding emigrant policy dimension; the darker the square, the denser. While this does not represent any normative evaluation of the goodness of policies, it does show the importance different countries assign to the issue of emigrant policy both overall and along specific dimensions and suggests the reasons for this. For instance, the colour gradient in the bottom right corner of Figure 2 indicates that Brazil is first, combining emigrant policies across all dimensions with a particularly dense configuration of citizenship, institutional participation, cultural, social, and economic policies. This is accompanied by a strong capacity to implement these policies in its internal bureaucratic structure and through its traditionally large consular network. Mexico comes second, having developed emigrant policies for all areas but having weaker institutional participation policies than Brazil. Ecuador is third, having even weaker institutional participation policies but having the strongest home administration structures to deal with emigrant policies in the whole region. When we look through the lens of the different dimensions of emigrant policies, we see that citizenship is the main area

in which emigrant policies have developed to include citizens abroad (despite their subsequent nationalities), which is surprisingly followed by social policies (suggesting a significant spillover of basic state welfare functions beyond borders) and special home structures created to administer emigrant policies. Expectedly, exit and transit policies are spearheaded by Mexico and El Salvador, countries where transit migrants are most vulnerable.

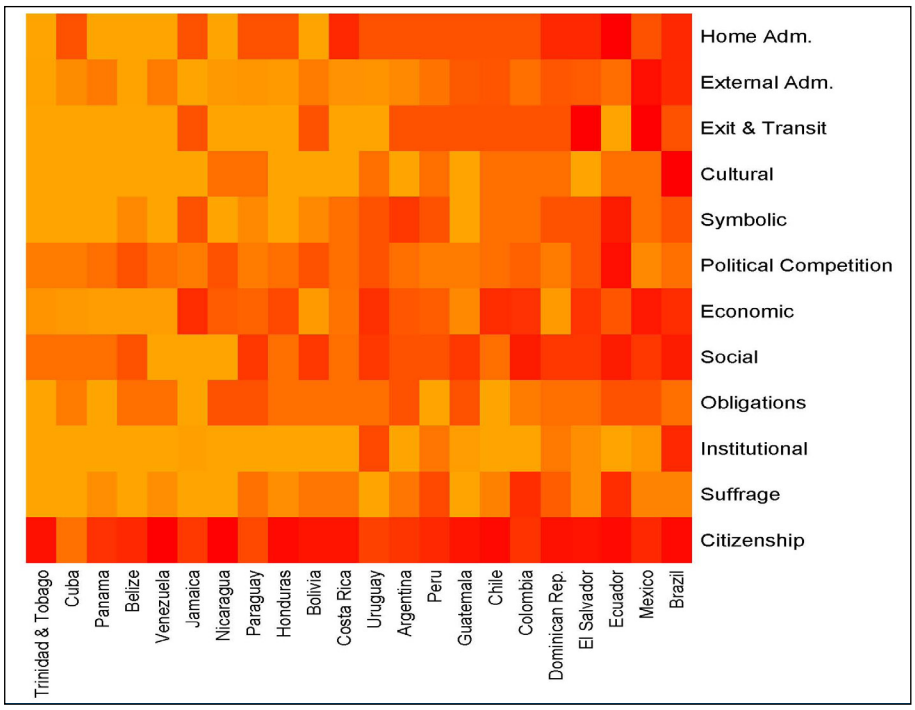

Figure 2
Emigrant Policies Developed by Latin American and Caribbean States
Source: Own elaboration.

Policy Challenges for Latin America and the Caribbean and Lessons for Receiving Countries

The degree of multidimensional policy innovations and administrative extensions to deal with emigrant issues shows an unprecedented level of state care for emigrants throughout the world. In Latin America emigrant policies have developed as strategies to rekindle broken relationships with people who left due to a lack of opportunities. Most emigrant policies in the region seek to help emigrants reconnect with their polities of origin and better integrate in their polities of reception. Still, emigrant policies present testing scenarios for policy design and implementation as the extension beyond borders of policies that cover many dimensions not only responds to emigrants' claims but also drives new demands, be it for more transparent and more institutionalised participation in the country of origin or for the provision abroad of consular services, legal assistance, and social care. This is a challenging landscape for state action, as the fields where emigrants require and demand attention are usually separated within the home territory (for example, cultural policies and suffrage), require a coordinated and horizontal approach abroad, and also rely – for implementation – on the limited resources provided by consular networks and their possible collaborations with migrant organisations and local representative organs abroad. Moreover, for states looking to expand their reach beyond borders, responding adequately can mean different things – for example,

representing emigrants' voices and interests more faithfully or adjusting the administrative apparatuses in order to effectively deliver. As the works of Ragazzi and Gamlen note, the approaches taken by states of origin can differ widely, consisting of using logics of control, managing emigrants as economic resources (labour), extending the nation beyond borders, maximising the rights of citizens in both the origin and receiving country, providing emigrants with language courses or skills that can help them better integrate in receiving countries. While Central American states, led by Mexico, support emigrants via subsidiary health and education schemes that facilitate their integration abroad or by extending and multiplying their remittances, South American states are less proactive in looking for linkages but more active in extending resident citizens' rights to emigrants (e.g. pensions). Obviously, whether a state of origin follows one approach or the other makes a huge difference to migrants themselves and to receiving countries.

The recently adopted policies in Turkey and Hungary that enfranchise second- and third-generation emigrants for home elections, allow political campaigning in host countries, and emphasise the irreplaceability of emigrants' national origin have been met with uneasiness in various receiving countries with large numbers of Turkish migrants (Germany and Austria) and Hungarian migrants (Slovakia and Romania). This is because such policies express an expectation of national loyalty that extends beyond borders to people who may have never resided in the country of origin but who are considered to be ancestral kin under over-extensive nationalistic definitions of the citizenry. Observers have called into question the legitimacy of, for example, Turkey's and Eritrea's governments to reach their emigrant communities within Germany, demanding from them the preservation of a link to the home country that questions their individual efforts to integrate in Germany. However, not all emigrant policies are equivalent. As this Focus shows, even within a region with cultural and historical commonalities there are quite different approaches, so receiving states should treat the efforts of origin countries in a differentiated manner.

By researching the topic of emigrant policies for the whole of Latin America and the Caribbean, we are able to crystallise the unique contribution of the region within the global landscape. We can see that in Latin America emigrant policies are service oriented and rights-based and are thus designed to facilitate migrants' integration into their countries of residence. This is coherent with the new paradigm of mobility rights that Latin America, especially South America, is projecting to the world in its late immigration policies. A lesson to be learned by receiving countries in Europe is that through the many dimensions in which states of origin are active in reaching out to their emigrants, there are opportunities for productive cooperation to lower the costs of migration and integration and increase the dividends for all parties involved. One such productive – and much needed – cooperation could arise from seeking complementarity between return programmes from countries of origin and access to employment policies in the receiving countries or from pursuing citizenship and cultural policies in both in order to ease mobility. Taking into account the duality of the transnational role of migrants – who are emigrants of one place and immigrants in another – is, after all, the key to realising the often unfulfilled "win-win-win" promise of circular migration policies.

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Related GIGA Publications

Hoffmann, Bert (2010), Bringing Hirschman Back in: Exit, Voice, and Loyalty in the Politics of Transnational Migration, in: *The Latin Americanist*, 54, 2, 57–73.

Hoffmann, Bert (2004), *The Politics of the Internet in Third World Development*, New York: Routledge.

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