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Working Paper

Humane and effective solutions to asylum asymmetries? "Vetting" and "monitoring" Syrians and Venezuelans in Argentina

Serie Documentos de Trabajo, No. 711

Provided in Cooperation with:

University of CEMA, Buenos Aires

Suggested Citation: Rhodes, Sybil; Bodenan, Mäeliss (2019) : Humane and effective solutions to asylum asymmetries? "Vetting" and "monitoring" Syrians and Venezuelans in Argentina, Serie Documentos de Trabajo, No. 711, Universidad del Centro de Estudios Macroeconómicos de Argentina (UCEMA), Buenos Aires

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<https://hdl.handle.net/10419/238337>

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**UNIVERSIDAD DEL CEMA
Buenos Aires
Argentina**

Serie
DOCUMENTOS DE TRABAJO

Área: Ciencia Política

**HUMANE AND EFFECTIVE SOLUTIONS TO ASYLUM
ASYMMETRIES? “VETTING” AND “MONITORING”
SYRIANS AND VENEZUELANS IN ARGENTINA**

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**Diciembre 2019
Nro. 711**

**www.cema.edu.ar/publicaciones/doc_trabajo.html
UCEMA: Av. Córdoba 374, C1054AAP Buenos Aires, Argentina
ISSN 1668-4575 (impreso), ISSN 1668-4583 (en línea)
Editor: Jorge M. Streb; asistente editorial: Valeria Dowding <jae@cema.edu.ar>**

Humane and effective solutions to asylum asymmetries?
“Vetting” and “monitoring” Syrians and Venezuelans in Argentina

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Abstract

In the context of restrictive immigration regimes and nationalist-populist politics, the international humanitarian obligation to consider migrants’ claims for political asylum presents states with especially difficult challenges related to “vetting” and “monitoring” migrants. Given that these conditions are unlikely to end any time soon, some authors have suggested solutions to information asymmetries that might lead to effective and more humane outcomes to asylum and refugee crises. This paper evaluates one such proposal, the idea that migrants from “disfavored classes” be admitted in “circles of trust,” groups of five or six people which could be held collectively responsible for the bad behavior of any individual member in the context of refugee and migrant policy in contemporary Argentina. Specifically, the paper compares a plan for Syrian refugees in place since 2015, and the reception of large numbers of Venezuelans since 2014. The paper concludes that “circles of trust” are fraught with perils, but that other non-traditional forms of vetting and monitoring might sometimes be humane and useful in particular situations.

Keywords: Refugees, migrants, vetting, policy, monitoring, Argentina, circles of trust

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I. The argument for pragmatic solutions

Violent conflicts and other disasters have caused increasing outflows of refugees in various parts of the world, yet accepting refugees and offering asylum to other vulnerable migrants has proved to be politically difficult in nearly all the countries they most aspire to move to. Immigration policy has become “securitized,” a part of high politics (Rudolph 2003). Refugee and asylum policies are increasingly restrictive in countries all over the globe. Well-established academic work in political science on the subject illuminates the reasons this is so, by linking xenophobia to fear of dangers which, while not always groundless, are frequently magnified and exaggerated through political dynamics such as populism or nationalism (Chevigny 2003; Smulovitz 2003). Studies in political science, economics, and other academic disciplines also offer compelling technical and normative justifications in favor of accepting refugees, asylum seekers, and other migrants (Betts and Collier 2015, Clemens 2011). However, only a few academic studies provide pragmatic ideas about how to make help for refugees, asylees, and other displaced people more feasible politically. In today’s international political climate, pragmatic academic-policy engagement that explores whether and how migration controls may be made both more effective and more humane is sorely needed.

One example of this kind of work is Ginsburg and Simpser’s (2018) suggestion of a way to improve the entrant-vetting process by reducing the information asymmetries between states and potential migrants. These authors treat the migrant-entry process as one in which there is a risk of “adverse selection,” which has parallels in other situations in which one actor must decide whether and how to “select” others with whom to interact in the future, such as, for example, students admitted to a university, or recipients of loans. The essence of the problem is that those doing the choosing have less information than the applicants, that is, they cannot know how devoted to academics the prospective students are, or whether the possible loan recipients intend to repay the money. Migrant-receiving countries likewise cannot be sure why people crossing international borders wish to be in another country or how they are likely to behave. Do they intend to stay temporarily or to overstay a visa? Will they be law-abiding? In the case of asylum seekers or refugees, this is especially true, as it is often much more difficult to obtain information from the sending-country governments, which may be unable or unwilling to provide it. To cite an example of the latter case, in the 2010s, several thousand Venezuelans in Argentina had problems renovating their passports because the Venezuelan government stopped proving information about criminal antecedents, and indeed may even have deliberately contributed to rumors that Venezuelans have entered Argentina using fraudulent documents (Anonymous interview 2017). This opacity makes it difficult for Argentine officials (and also those in other countries Venezuelans have migrated to) to distinguish between the vast majority of peaceful migrants from that country and those very few who may have serious criminal records.

* The authors’ viewpoints do not necessarily represent the position of Universidad del Cema. The authors thank Eric Cuevas and Daniela González for research assistance.

Ginsburg and Simpson refer specifically to the potential problem of terrorism committed by refugees, which, they hasten to add, is extremely rare. However, in Europe there have been several examples of this kind of attack, and in other countries particular migrant groups are sometimes disproportionately involved in certain types of crimes. For some ethicists, refugee policy requires a balance between the interests of citizens and interests of states (Gibney 1999). In any case, from the point of view of politicians, the concerns of many citizens must be faced, even though academics know this type of fear often the product of political dynamic of scapegoating. It is also key to distinguish between what Ginsburg and Simpson and others call “Trojan Horse” terrorism and terrorism or crimes committed by the members of immigrant communities or their descendants who become alienated from the society in which they have resided for a long time. The latter case cannot be analyzed as a mere information problem between migrants at the border and the state, but it does also likely imply greater perceived demand for vetting and monitoring.

Ginsburg and Simpson argue that there are ways to alleviate the information problem for entering migrants. Concretely, they propose that migrants from “disfavored classes” be admitted in ““circles of trust”,” that is, groups of five or six people which could be held collectively responsible for the bad behavior of any individual member. This would allow people to draw on “social capital” to offer reassurance to the state. Even in the case of individuals who are unable to draw on existing social capital to build a circle, participation with (initially) strangers could allow them to build some, as they would be obligated to keep in touch with the other members of their circle. The authors cite the example of the Grameen Bank in Bangladesh, which developed a similar strategy for distributing microcredits. If one person from the group defaulted, the others would be held responsible. The innovation was successful in that it helped some people gain more opportunities than they otherwise might have. The reasoning behind Ginsburg and Simpson’s proposal is that a similar strategy might make it more feasible for more countries to admit more refugees and migrants than they do now.

This paper contributes to the quest for pragmatic improvements by evaluating the feasibility of “circles of trust” in the context of refugee and migrant policy in Argentina, and offering suggestions for how the proposal may be improved.

We begin with a discussion of possible solutions to problems related to the information asymmetries states face with regard to immigration, refugees, and asylum. We then explore which of these problems and solutions are relevant for Argentina refugee and asylum policy. Subsequently, we explore the applicability of “circles of trust” in the context of Argentina’s policy for Syrian refugees (*Plan Siria*). We find that Argentine policy developed a policy somewhat similar to “circles of trust”, that served to alleviate political backlash against the refugee policy. We follow the study of Plan Siria with an analysis of the problems currently facing Venezuelans who have sought refuge in Argentina from the crisis in their homeland. We suggest that for the current influx of Venezuelans, a “circles of trust” policy might be useful as a temporary measure to alleviate particular security-related information asymmetries in their situation.

In our conclusion, we argue that comprehensive policies for refugee integration can perform the same functions as “circles of trust” while avoiding some of the negative features of same. However, when those are impossible, innovations like *Plan Siria*, and perhaps some similar mechanisms under consideration for Venezuelans, can help

politicians provide humanitarian relief for refugees even in politically difficult circumstances.

II. Information asymmetries in immigration, refugee and asylum policy and possible solutions

Information asymmetries are a special kind of principal-agent problem, which can reduce the efficiency of markets via two situations: adverse selection, which refers to the negative consequences when agents conceal information during a transaction with principals, and moral hazard, in which agents have incentives to take risks or act inappropriately once a transaction has already occurred. Some types of information problems likely have simpler solutions than others, depending on the nature of the asymmetries and the identify of principles and agents. In the “circles of trust” and other approaches we consider here, immigration policy is conceptualized as a principal-agent model, with state officials as principles who must screen migrants.

Why is worth thinking about refugee policy in in these terms, when existing research already reveals the political dynamics of xenophobic populism and/or immigrant scapegoating? Parties and politicians appeal to voters’ fears, greatly magnifying the risks of accepting refugees or immigrants. Are we giving in to those unrealistic fears by considering this type of information problem? Our answer is that, in democracies, publics want states to screen migrants. Every country vets refugees, some in extremely harmful ways, others in better ways. Some countries have refused to accept any refugees at all. The political-economic approach to information problems (known in international relations as neoliberal institutionalism) offers some solutions (usually in form of rules, institutions, better mechanisms for signaling intentions and making credible commitments). If such rules can work, that may contribute to less xenophobia: there is evidence that public opinion in countries in which the state is perceived as being in control the immigration process (such as, for example, Canada) have more positive attitudes toward immigrants generally (*New York Times* 2017). Publics generally want governments to control and regulate immigration, and to vet immigrants carefully, particularly those from groups that are, rightly or wrongly, considered to be likely to threaten society in some way. Although publics are skeptical that their governments are up to this task (OECD World Migration Outlook 2016), they simply are not willing to let go of the expectation.

Just how much of a problem for governments is lack of information about potential international refugees, and how can such problems be solved? It is useful to distinguish three main types we refer to legal-standard problems and security problems. We discuss each in turn.

To follow the rules of the global governance regime for refugees and political asylum, the question of legal status is crucial: that is, how can states identify who counts as a “real” refugee or who “really” qualifies for asylum? According to the 1967 Protocol Relation to the Status of Refugees, the legal standard is: "owing to well-founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group or opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a

result of such events, is unable or, owing to such fear, is unwilling to return to it." The legal standard is not necessarily the most humanitarian definition, or the best one for scientific analysis (Scalettaris 2007). However, persons seeking refugee status or asylum must show they fit the definition.

The global refugee regime, particularly UNHCR, is supposed to assist governments with the legal-identification problem through its own vetting process for refugees. However, the global refugee system does not provide the same service in the case of people who request political asylum in states where they reach the border. Thus, what is loosely called the "refugee crisis" in Europe since 2011 is actually an asylum crisis. States must consider pleas for asylum, and decide for themselves whether a person qualifies. The rules of both the asylee and refugee regime create an information problem as they give desperate, but not criminal, people incentives to stretch the truth to fit the categories. That is, economic migrants, or people who wish to migrate for whatever other reason, often have no other legal relief than to seek asylum. As the numbers of these "false" asylum seekers grow, political pressure mounts for tighter restrictions.

The political results of this information asymmetry can be harmful to the cause of refugees collectively. The harm comes when states who wish to exclude refugees and asylees rely on increasingly strict interpretations of the legal standard to deny entry to vulnerable people. For example, the European Union's 1999 decision to coordinate asylum policy has generally made the rules tighter, and, therefore, asylum harder to get in all countries in the union. Because if a person already a refugee and in a camp there is no obligation to resettle him or her, wealthy states also get around their legal obligation to offer refuge by paying third countries to maintain temporary shelters, as in the recent deal between the European Union and Turkey, or the arrangements between Australia and Nauru.

The simplest, and arguably most humanitarian, solution to the "legal status" information problem posed above is to avoid it, by having generally more open borders, allowing people fleeing conflict to enter some other way. However, an open borders policy does not necessarily allow states to address *security*-related information problems, which can be more of a political problem than the legal ones.

Thus, the political incentives to solve security-related information problems are important, especially in current context, in which refugee and asylum policy in particular has been "securitized." For some authors, such as Saunders (2014), this "securitization" of the refugee regime constitutes a betrayal of the humanitarian ideals of the original regime. Lahav (2016), for example, argues that terrorist attacks force a conflict in wealthy industrialized countries between humanitarian norms and "materialist values of survival and well-being." While these trends are lamentable, we believe it is important to wrestle openly with the concern of so many publics across the globe and offer pragmatic solutions to the problems they perceive. How can states find better solutions to security-related information asymmetries in the case of refugees and asylees?

The ideal strategy from a liberal-humanitarian point of view is still to accept that a few bad apples will enter and incorporate any subsequent criminal actions they commit as a cost. However, this option is difficult to carry off politically, and practically no government in the world carries out a strategy based purely on this principle. States

attempt to get around the problems by sorting migrants or refugees in collective terms, holding people from certain countries to tighter scrutiny, to the extent the court system and other checks and balances to protect minority rights will allow it. No state in the world has an open borders policy toward people from Syria, Pakistan, and a handful of other, mostly conflict-ridden, countries, for example. Some countries, such as the United States under President Donald Trump, even have developed policies to exclude all people of certain nationalities or religions. If the goal is to help as many refugees as possible, a middle-ground policy allowing some individuals from certain groups to enter is certainly preferable to barring all of them.

As we have stated, the individual approach to security-related information problems is a more liberal option than discriminating against entire collectivities of people. All countries also exclude individuals.

The policy of “circles of trust” can help more individuals not be excluded. Yet the idea of “circles of trust” also raises objections from the liberal point of view of human rights. First, it relies on a doctrine of collective responsibility, which is contradictory to liberal individualism. Ginsburg and Simpser say, yes, we should be cautious, but point out that collective responsibility lies behind the concepts of “corporate crime” and “vicarious liability,” both of which make it possible for firms to be held responsible for what their employees do. A related objection, even more serious in our opinion, is that the requirement to keep tabs on fellow members of a circle of trust is akin to “snitching” on one’s neighbors. We need not look far to find examples of what official policies that encourage “snitching” can do. Consider East Germany’s Stasi, or communities in Cuba. It is therefore crucial to ponder whether the benefits of “circles of trust” may be obtained without the “snitch” obligation.

As Ginsburg and Simpser point out, these benefits have been obtained in the past without the “snitch factor.” “Circles of trust” are a formalization of an older idea, that of relying upon family, religious, and co-ethnic networks. Network migration is when people from the same family or community follow initial migrants’ path. Such networks are a kind of social capital. They are most valuable when immigration is difficult. They can lower costs of migrating by providing information about work possibilities, etc. They also increase “ethnic goods” like newspapers in same language, and can lead to “positive self-selection,” thereby helping governments with their information asymmetry problems related to good conduct. If networks are functioning already in the case of refugee policy, it may be an unnecessary complication to add a formal “snitch” obligation. However, doing so could allow more people from outside existing networks (who are often more disadvantaged along numerous dimensions) to gain refugee status, thereby improving inclusion.

To sort out the relative costs and benefits it is useful to envision how “circles of trust” might work in a concrete case. We therefore now turn to our study of refugee policy in Argentina.

III. Information problems in contemporary Argentine refugee policy. The examples of *Plan Siria* and the current influx of Venezuelans.

How significant are information asymmetries in Argentina’s refugee policy? We first consider information problems related to legal status.

Argentina is a member of the global refugee regime, and respects the broader definition of refugee given by the Cartagena Declaration) "persons who have fled their country because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order").

In spite of the support for the global refugee regime, the total number of legal refugees and asylees in the country is quite low. The table below outlines applications for refugee status, i.e., asylum, in Argentina from 2012 through 2018. The number of applicants is extremely small, but growing, reaching 1000 only in 2018. The average acceptance rate is around 19%. On average for this period Argentina revoked the refugee status of one person per year. Although the few revocations may have been caused by new information that came to light later, these low numbers imply that the legal information asymmetries are not an important issue for Argentine policy as it currently stands. However, it is likely to increase at least slightly, as officials expect the number of persons requesting asylum in the country to increase even more in the future.

Table 1
Applications for Refugee Status (Asylum), 2014-2018

Year	Recognized	Denied	Total	Acceptance (%)
2012	147	410	557	26
2013	287	340	627	46
2014	88	349	437	20
2015	115	685	800	14
2016	166	823	989	17
2017	87	704	791	11
2018	135	1000	1135	12
Total	1025	4311	5336	19

Source: CONARE

Why are the numbers of asylees who apply and are admitted to Argentina so low? One reason is that fewer potential asylees ask for the benefit than is the case in countries in Europe or North America, which are still viewed as the most desirable locations. Argentina is consistent with other Latin American countries in this regard. Argentina is also, of course, geographically remote from most conflict zones. Another important reason is that Argentina has a relatively open immigration policy. Many individuals, even those from countries in crisis, are able to enter using other legal status, thereby bypassing the legal status information asymmetry entirely.

Table 2 depicts the principle nationalities of people granted refugee status in Argentina during the period 2014-2018. The cultural and political characteristics of these groups are quite diverse, and they likely have encountered differing levels of discrimination, stereotyping, and political backlash on the part of Argentine society. We have no formal ranking of which group faces the highest levels of discrimination. However, we note that the migrant groups that have been singled out for negative press coverage with particular regard to security-related concerns (usually ordinary and organized crime, including especially narcotrafficking) in recent decades have tended to

be other South Americans, especially Bolivians, Paraguayans, Colombians, and Peruvians. With the exception of Colombians, none of these nationalities is represented in the list of official refugees. Because of Mercosur agreements and overall lenient policies in Argentina, South Americans can to enter and reside legally in the country with relative ease, and have no need to resort to asylum applications.

Table 2. Nationality of refugees in Argentina, 2014 - 2018

Nationality	2014	2015	2016	2017	2018
Senegalesa	100	419	871	395	228
Other	139	145	224	330	360
Colombiana	58	53	34	55	55
Cubana	153	169	167	222	252
Siria	91	159	45	62	32
Dominicana	47	42	52	184	240
Haitiana	63	110	294	385	483
Ucraniana	86	106	67	22	19
India	56	23	34	30	40
Nigeriana	12	14	25	6	16
Armenia	22	20	50	98	53
Venezuela	3	2	57	135	883

Source: CONARE

Although it is not characterized by the xenophobic political parties active in some European countries, relatively open migration policies in Argentina have produced political backlash, albeit mild by world standards. In January 2017 the government of President Mauricio Macri was responding to popular concern with crime when it launched a decree facilitating the deportation of people with criminal antecedents. The government cited the disproportionate involvement of certain groups in narcotrafficking, a serious problem on the rise in Argentina, as the justification for the new measure. Although it has not been touched by more recent transnational religious terrorism, Argentina suffered the bombings of the Israeli Embassy in 1992 and the Argentine Israelite Mutual Association in 1994. The memories of these incidents, which remain unsolved and unpunished, mean that, in addition to concern about crime, the Argentine public is potentially vulnerable to the same anti-refugee dynamics related to terrorism that we observe in Europe and North America.

It is under these conditions that the Plan Siria, to which we now turn, was developed.

Plan Siria

Since it began with a government crackdown on peaceful protestors in 2011, the Syrian civil war has killed hundreds of thousands of people, and produced massive internal displacement and international refugee flows. The majority of international refugees are currently living in the Middle East in temporary installations. The UNHCR has referred tens of thousands to countries that accept refugees for resettlement, including the US, Canada, and UK. Argentina is included in the list of countries that accepts refugees for resettlement, but it has not provided government funds to assist Syrians.

However, as a humanitarian gesture successive Argentine governments developed the *Programa Especial de Visado Humanitario para Extranjeros afectados por el conflicto de la República Árabe Siria (Plan Siria)* to help some refugees through an alternative path. The *Plan Siria* was created via presidential decree in 2014, and extended in 2015 and 2016. It was not developed by the CONARE, as it is officially a migration program. The decree is regulated by the *Dirección de Migraciones*, and is supervised by a “national Syrian cabinet” (with representatives from nine ministries). It does not receive funding from UNHCR (such funding was requested and denied). Participants are not *legal* refugees in Argentina, even if substantively they are, as in the words of a former director of the national refugee commission (CONARE): “*la población no es refugiada, digamos, los sirios en general son refugiados, sin perjuicio de que no entran con el carácter de refugiado, entran con el carácter de migrantes por motivos humanitarios.*”

The plan requires a *llamante* (sponsor), who can be an Argentine resident, not necessarily a relative or friend (although in the earliest states the first *llamantes* were required to be family members), who makes a formal declaration to be responsible for the persons once they are in the country. Some of the *llamantes* are people who were inspired by news coverage of the Syrian war. The *llamante* promises to be responsible for food and lodging and to accompany the refugees in the integration process, for at least 12 months. The Syria Cabinet is supposed to help the *llamantes* with the task of integration. It was started after the plan was in operation one year. Another initiative was to reduce the load on *llamantes* by creating a new category of volunteer, known as *cascos blancos*, who work with each family. Syrians are the only refugees who receive a *seguimiento*. There are no assigned volunteers for other nationalities.

The bureaucratic paperwork can be done in any Argentine consulate or agency. Individuals accepted via the *Plan Siria* receive a temporary residence card good for 2 years, which can be extended for 1 year, and subsequently changed to permanent residence. The number of participants in *Plan Siria* in 2017 was 280 people. Small numbers continued to arrive in 2018 and 2019.

Observing the basic structure of *Plan Siria*, a number of similarities with the “circles of trust” may be noted. There is an attempt to provide an opportunity for refugees to build social capital, but with an Argentine *llamante* rather than with a circle of co-ethnics. There is no formal “snitch” obligation. However, the weight on the *llamante* is difficult, which was the motivation for the *cascos blancos*.

The reaction in Argentine society to *Plan Siria* has been relatively positive, although there was some negative attention in the case of one family that decided to return to Syria. Judging from an admittedly limited and subjective evaluation of some of the cases, the program seems to have been a small success so far for most of the 280 refugees who have participated. Most importantly for our purposes, any mild political backlash has not been security-related. Indeed, the policymakers we interviewed focused more on the possibility of political backlash emerging out of economic rather than for security concerns.

Would a more formal “circles of trust” policy constitute an improvement over the current one? We explained the idea to a few policymakers and representatives of NGOs/immigrant advocates involved with *Plan Siria*, and asked for their reactions, which are summarized in the table below. While the advocates were understandably wary of the

potential abuses of such a program, the policymakers tended to be more enthusiastic about the possibility of gathering more information about refugees via this type of policy. The policymakers believed it might come in useful for refugee populations beyond Syrians.

We turn now to the case of Venezuelans in Argentina.

Venezuelans in Argentina

Venezuela has been suffering a political, economic and humanitarian crisis for several years. The crisis has caused many Venezuelans to seek refuge outside the country, including in Argentina. In 2011 there were 980 Venezuelans registered at the embassy in Buenos Aires (registration at the embassy is a requirement for Venezuelans abroad, who will face penalties regarding their paperwork if they do not register). The numbers have grown by tens of thousands in subsequent years.

Unlike the case of Plan Siria, Argentina has no special program in place for Venezuelan migrants. Venezuelans are generally able to enter the country quite easily, because of a Mercosur policy that Argentina has not lifted in spite of the suspension of Venezuela from that body. They can become permanent residents automatically if they become the parent of a child born in Argentina. Thus, Argentina's open policy has spared it from having to identify the legal status of Venezuelan "refugees."

All the same, several thousand have found themselves in limbo because of problems with Argentina's immigration office. The root of this problem is the practice of using the Venezuelan verification code for checking criminal antecedents. Beginning around 2013, the Venezuelan immigration system appears to have collapsed. Venezuelan stopped providing this code to Argentine authorities, or provided problematic numbers that came up invalid when investigated by Argentine immigration. The problem sharpened as of January 2014. As we mentioned above, the Venezuelan government may have been responsible for a rumor that Venezuelans were entering Argentina with fraudulent documents in order to cover up its own organization problems.

Venezuelans are also having great difficulty renewing their passports at the Venezuelan Embassy. The Argentine Congress responded by creating a special program that would permit Venezuelans to enter the country with an expired passport or an identity card.

The Argentine public tends to have a positive view of the Venezuelans who have come thus far. However, this could change if the numbers increase. If the political difficulties are difficult, a version of "circles of trust" could potentially be useful in situations where the sending country documents related to security are unreliable.

Part IV. Conclusions

The main purpose of this paper was to analyze whether "circles of trust" or similar policies would alleviate information asymmetries for refugees or asylees who wish to enter Argentina. We found that relatively open migration policies in general reduce the legal identification problem for Argentina's migration authorities. With regard to

security-related asymmetries, these do not seem severe enough to merit such policies, except, perhaps, in situations where sending states are unable or unwilling to cooperate.

The cases also suggested, however, "circles of trust" or similar policy innovations, may promote better integration of refugees or migrants in local communities. Future research should focus on how to achieve synergies between programs designed to alleviate mistrust and concern about security and the promotion of goals such as employment and mental and physical health services.

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