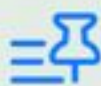




Mensaje fijado #1

My name is Christian Rubilar , I am a professional law...

[Mostrar original](#)**Гражданство Аргентина: адвокат Кристиан Р...**

My name is **Christian Rubilar** , I am a **professional lawyer** in Buenos Aires. For the last **14 years** I have specialized in developing strategies for obtaining citizenship in Argentina, including without a prior residence permit. I have **258 successful citizenship cases** and extensive experience in challenging Argentine citizenship in **28 federal courts** throughout the country.

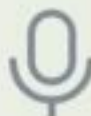
My professional path

Early in my career, I had the privilege of working in the law firm of Luis Moreno Ocampo, a legendary Argentine lawyer and prosecutor at the International Criminal Court who played a key role in the trials of dictators from 1976 to 1983. This experience allows me to confidently say that I learned litigation from the best lawyers in Argentina at that time.

From 2001-2007 I worked as a professor at UBA (State University of Buenos Aires), where I taught criminal procedure and constitutional law. In fact, I taught law students how to properly conduct legal cases and supervise their execution.



Difusión





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Mostrar original



please write them in the comments or in a private message (+54 9 11 3296 6249).



4K editado 9:09 AM



92 comentarios



Гражданство Аргентина: адвокат Кристиан Рубилар fijó
"Меня зовут Крис..."

8 de octubre de 2022

Гражданство Аргентина: адвокат Кристиан Р... Answering frequently asked questions about citizenship (part 1)

There is a lot of conflicting information about Argentine citizenship on the internet right now. Let's take a look at some of the most common questions you may have:

1. What requirements must be met to begin the process of obtaining Argentine citizenship?

It is important to distinguish between the requirements that must be met in order to begin the process of obtaining citizenship and the requirements that must be met at the time of obtaining citizenship.

The only requirement to start the citizenship process (application for la carta de



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I also worked for the Centro de Estudios Legales y Sociales (CELS), an organization that has been working to protect human rights in Argentina since 1979. Our team of lawyers succeeded in holding federal police leaders accountable for the brutal suppression of protests in December 2001.

Strategy for obtaining citizenship

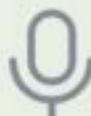
My legal practice shows that Argentine citizenship can be obtained even if you do not have a legal residence permit or 2 years of residence in the country. I also help families in obtaining citizenship in which children were born on the territory of Argentina.

Due to the current situation in the world and the military conflict between Russia and Ukraine, Russian citizens have an unexpected advantage in obtaining citizenship. From the point of view of world law, Russian citizens are currently considered "stateless", that is, persons without citizenship. This status gives them the privilege of obtaining Argentine citizenship more quickly and easily.

If you have any questions about citizenship,



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 [Mostrar original](#)



You can travel abroad while you wait for a decision on your case. However, I recommend that my clients spend at least 7 months a year in Argentina until a decision is made. This will help ensure that the judges do not become suspicious of your residency status in the country.

If for some reason your situation does not allow you to stay in Argentina for so long, then we discuss the details and find a solution to this situation in the course of our work.

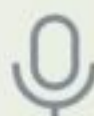
4. Is it worth getting a residence permit in Migrations (for example, rentier) and does it increase the chances and speed of obtaining citizenship?

Given the current global situation and the conflict between Russia and Ukraine, it is worth starting to apply for citizenship first. In Argentine law, any person who does not have an official residence permit in Argentina is considered a stateless person.

The Argentine Constitution states: "All who set foot on Argentine soil are free." This means that every person in Argentina has the right to apply for citizenship (Article 15,



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ciudadania) is to be 18 years old and to be in Argentina. An additional requirement at the time of citizenship is to have lived in Argentina for two years.

Judges also require evidence of an honest livelihood and lawful conduct. But these requirements are flexible. For example, informal work is also considered acceptable.

2. Do I need to reside continuously in Argentina for 2 years before applying for citizenship?

No, it is not necessary. You can apply for citizenship immediately after arriving in Argentina. Unfortunately, this method is only possible with the support of a lawyer.

Moreover, **not to apply for citizenship immediately during wartime is a very serious mistake** . During World War II, the Supreme Court of Argentina established this right for deserters from Italy. This measure subsequently prohibited the repatriation of Italian deserters when the Italian Embassy demanded it.

3. If I have already started the citizenship process, can I travel outside the country?



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news is that judges are usually more flexible in apostilling documents for people from countries in a war situation.

—
In the following publications I will continue to clarify controversial issues and frequently asked questions about Argentine citizenship.

If you need an answer to a specific question, please write it in the comments.



33



9



3

4,3K editado 3:15 PM



77 comentarios



13 de octubre de 2022

Гражданство Аргентина: адвокат Кристиан Р...
Your Status in Argentina After Applying for Citizenship

I've received a lot of messages this week asking exactly this question. Let's figure out what's what.

1. Will I have legal status in the country while I am in the citizenship process?

When you begin the citizenship process.



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When you begin the citizenship process, federal law recognizes you as an "undocumented citizen." You are in the same situation as a newborn child who has no documents yet, but no one is thinking about deporting him.

Your status is no longer one of legality or illegality, but one of resident.

In Argentina, there are hundreds of thousands of poor Argentines living in very isolated areas without documents. They are called residents. Of the 12,000,000 workers, 5,000,000 work without documents, and this is not a crime.

When you go to a judge, your case is assigned a number, a cover is issued, and its progress is monitored by an observer.

Opening cases in court is a guarantee of your rights and freedoms in Argentina.

These rights are transferred so that you can work, study, use health care, and travel abroad completely legally.

Additionally, if you begin the citizenship process as a stateless person, you are exempt from paying taxes in Argentina during the process.



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**Mensaje fijado #1**

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 [Mostrar original](#)



2. Once the process starts, will I receive a DNI?

DNI is an identity document, something like a Russian internal passport. Another important document is the Argentine passport, which is what you will need for travel to countries that are not part of the Mercosur regional bloc (Argentina, Brazil, Uruguay, Paraguay).

When the court makes a positive decision on citizenship, you take an oath, we make an appointment for you at Renaper (the Argentine equivalent of the MFC) and you are issued a DNI. Then you quickly and easily receive an Argentine passport.

Why wait so long for a DNI if I have citizenship, if in Migraciones they will give it to me in 6 months?

In previous publications and chat questions I have already written why Russians should not start their legalization path in Argentina through Migraciones now. Therefore, let's move on to the topic of DNI.

It is important to understand that the DNI you receive in Migraciones and the DNI



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Argentine Constitution). Article 20 of the Constitution states that citizenship is obtained after 2 years from arrival in Argentina. Article 21 states that persons who have received Argentine citizenship are exempt from military service for 10 years. This is what allows one to avoid the risk of repatriation.

The Migration Service uses migration legislation in its practice, which is essentially military law. It is very important to understand that in Argentina you can choose between the civil law system (citizenship) and military law (migration legislation). Deportation is only possible if you choose the migration system.

5. What documents are needed to obtain citizenship?

For starters, at least a passport. All other necessary papers (certificate of no criminal record, proof of means of support, birth certificate, etc.) will only be a plus and can be provided during the process.

It is likely that over time it will become much more difficult or even impossible for Russian citizens to obtain an apostille. The good



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citizenship cannot be lost, but it can be renounced. Citizenship passes to a spouse, children and grandchildren. Yes, you will have to wait for that DNI, but the rights it guarantees are worth it.

I also remind you that in the process of obtaining citizenship, the risk of repatriation and deportation is excluded. Why? Because obtaining a new citizenship implies taking on the obligations of loyalty to the Argentine flag, but:

- 1) You can't be recruited for 10 years
- 2) Argentina is a neutral country
- 3) there are no conflicting hypotheses.

If it is important for you to receive a document in plastic before the court decision , then I can offer you the following: first, we start the citizenship process to eliminate the risk of deportation, and after it starts, we make you a residence permit in Migraciones. But only in this order and for the reasons already mentioned. This service is already included in the price.



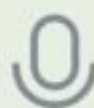
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9

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you receive after taking the citizenship oath are not the same.

DNI in Migraciones. Let's imagine that the bureaucratic process is going perfectly, your papers are accepted and in 6 months you receive a DNI. This DNI and residence permit will be issued to you for a year. In a year, you will have to go through the entire process of submitting documents again and hope that nothing has changed in the requirements of the migration service and that your residence permit will be extended.

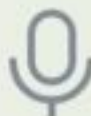
At the same time, the DNI obtained in Migraciones does not guarantee that you will not be repatriated in the event of an escalation of the conflict between Russia and Ukraine. Another significant disadvantage: to obtain a residence permit and a DNI, Migraciones requires only apostilled documents. Reality shows that not everyone manages to wait for the apostille before leaving the Russian Federation.

DNI for citizenship

Argentine citizenship includes a passport with no international restrictions. Argentine



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Гражданство Аргентина: адвокат Кристиан Р...

"Stateless Persons" and "Deserters" in Argentine Law

From the questions that come in to the chat and in private messages, I see that the legal terms "stateless person" and "deserter" are not very clear to you yet. And also how they are interpreted by the legislation in Argentina and what advantages they give in obtaining citizenship. Your confusion is understandable, because even lawyers have a hard time understanding this topic.

Civil Rights in Argentina

In most countries, civil rights are recognized only for citizens and, to a limited extent, for legal residents. But the Argentine Constitution recognizes these rights in full for all residents, Argentines and foreigners, who set foot on Argentine soil.

The term "resident" came into the Argentine legal system from Roman Law. Roman Law calls "residents" those people who belonged to conquered nations and whose citizenship ceased to be valid. But Roman Law also calls "residents" foreigners who



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history. During the first half of the 20th century, the World Wars and other military conflicts in Europe and Africa, the countries-parties to the conflicts mobilized European emigrants-residents on Argentine territory. The solution to this situation was the Supreme Court ruling to give the right to "deserters" who did not want to participate in the military conflict in their historical homeland, the right to obtain Argentine citizenship in a simplified manner, without two years of residence in the country. And this right continues to operate to this day.



8



1

3K editado 9:41 AM



16 comentarios



19 de octubre de 2022

Гражданство Аргентина: адвокат Кристиан Р...

UPDATE: Found the person. Thanks everyone!

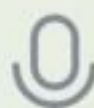
Birth certificate found

Guys, we found the birth certificate of Maxim Aleksandrovich Dernakov.

Apparently, he forgot it after completing the paperwork at the Tribunales building at the



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moved to Rome voluntarily and did not have Roman citizenship.

It is important to note here that each country recognizes only its own citizenship within its borders. What does this mean? You are a citizen of a country, for example the Russian Federation, and you are in Argentina. You do not yet have a legal residence permit (in Spanish – nacionalidad argentina or residencia legal) or Argentine citizenship (in Spanish – ciudadania). In this case, the Argentine judicial system and judges consider you stateless and give you the right to obtain citizenship faster and in a simplified manner.

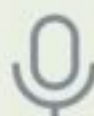
“Stateless person” and “deserter”: what do they have in common from the point of view of Argentine legislation?

The Supreme Court of Argentina (CSJN) equates any person who applies for a carta de ciudadania with a “deserter.” The person’s sex and gender are not important.

The term is borrowed from the language of the jurisprudence of the Second World War. Why do we use this term? It's all about



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until 1991. In 1991, the region was granted the status of province: Provincia Tierra del Fuego. From that moment on, its "special status" in obtaining citizenship ceased to apply.

Moreover, I recently asked the Federal Court of Ushuaia about the requirements they make on applicants for citizenship. Among these requirements are:

not just 2 years in the country, but 2 years of a residence permit with the status of permanente ("permanent"). Such a residence permit is given only after two years of a temporary residence permit. In total, it turns out that you will have to wait 5 years to apply for citizenship.

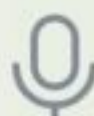
As with all my clients, I advise you to apply for citizenship through CABA: the courts and judges here are already accustomed to exceptions to the rules and are therefore more flexible in their approach.

Link to the Federal Court of Ushuaia's claims:

https://www.rubilarcitizenship.com/_files/ugd/



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Гражданство Аргентина: адвокат Кристиан Р...
Citizenship in a year in Tierra del Fuego?

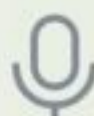
There are rumors in Russian-speaking chats and forums that if you apply for citizenship in Tierra del Fuego, you can become a citizen of Argentina in just a year. For the sake of quick citizenship, people are ready to go to the southernmost and coldest city in the country, Ushuaia. In the snowy and frosty winter People from Russia, of course, are not scared. But let's figure out whether it is worth moving to Tierra de Fuego, freezing and waiting for citizenship.

No, it is not. Article 2, paragraph 6 of the Law on Nationality states that one of the conditions for the simplified and faster process of obtaining citizenship is: **Habitar o poblar territorios nacionales** en las líneas actuales de frontera ó fuera de ellas (To reside and populate national territories in within the current borders or beyond them). It is important to understand that **territorios nacionales** are not just words and not the entire territory of the country. **Territorios nacionales** is a special status of a region, in fact, the status of a colony.

Tierra del Fuego was a territorio nacional



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to do what the law does not prescribe, or deprived of what it does not forbid.

Art. 19. – Las acciones privadas de los hombres que de ningún modo ofendan al orden ya la moral pública, ni perjudiquen a un tercero, están sólo reservadas a Dios, y exentas de la autoridad de los magistrados. Ningún habitante de la Nación será obligado a hacer lo que no manda la ley, ni privado de lo que ella no prohíbe.

In other words, your private life is your own business. The Argentine legal system does not care what you write on social networks, who you live with or where you go on holiday.

The problems only start when you cross the line of the law. For example, calling for violence on social networks (el discurso de odio) or causing physical/moral/economic damage to another person.

Otherwise, live peacefully and enjoy your rights.



13

 2,6K 8:38 AM[Dejar un comentario](#)

Difusión





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[Mostrar original](#)



"Do's" and "Don'ts" after the start of citizenship registration

During consultations, clients from the Russian Federation often ask questions like these:

When I start applying for citizenship, can I talk about it?

Can I have social media and express myself on it?

Can I travel outside the country?

The answer to all these questions is yes, you can. Argentina is a free country and every citizen has the right to do anything that does not contradict the law and does not harm others.

These rights are enshrined in the Argentine Constitution:

Article 19. - The private actions of men which in no way disturb public order and morals, or cause injury to a third party, belong only to God, and are exempt from the authority of the magistrates. No inhabitant of the Nation may be compelled



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Mostrar original



citizenship only after you or the other parent has received citizenship. After that, it will also take 7-8 months to process the children's citizenship.

Adult children. Adult children are already considered fully capable subjects, so they can begin the process of obtaining citizenship separately from their parents. If at least one of the parents already has Argentine citizenship, the process of obtaining citizenship for adult children becomes simpler and faster (3-6 months).

Will my children be able to attend Argentine kindergarten/school/university while we wait for citizenship?

Of course they can. You can place your children in both state and private educational institutions. You do not need a residence permit or even citizenship for this. This right is guaranteed by law 25.871

What documents do you need to take with you for a minor child?

Birth certificate, school certificate (how many grades were completed), vaccination



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Гражданство Аргентина: адвокат Кристиан Р...

Answering frequently asked questions about citizenship (part 2)

Read the first part of the answers [above](#)

If I have a child in Argentina, how quickly can I get citizenship?

The child's parents can apply for citizenship during pregnancy, immediately upon arrival in Argentina. It is also possible to apply for citizenship after the birth of the baby. Here you decide for yourself which option suits you best.

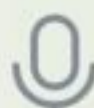
On average, the citizenship processes of my clients with Argentine children take about 7-8 months. The right to accelerated citizenship is confirmed by Decreto 3213/84 art. 3.f. and Article 20 of the Constitution.

If my children were not born in Argentina, when can they obtain citizenship?

Minor children. In this case, the parents must first apply for citizenship. In Argentine law, citizenship is transmitted vertically: from child to parent or from parent to child. Your minor children will be able to apply for



Difusión



7:30 




Hoy
7:29 p. m.

Todas las fotos



Mensaje fijado #1

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Mostrar original



certificate. All documents must be apostilled

If you have any questions, ask them in the
comments 



14



2

 3,1K editado 7:52 AM



44 comentarios

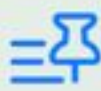


30 de octubre de 2022



Mensaje fijado #1

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Mostrar original



certificate. All documents must be apostilled

If you have any questions, ask them in the comments



14



2

3,1K editado 7:52 AM



44 comentarios



30 de octubre de 2022

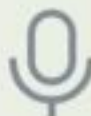
Гражданство Аргентина: адвокат Кристиан Р...
How to check the license of the lawyer you work with?

Argentina is considered to be home to the largest Russian diaspora in South America, about 300 thousand people. We do not yet have official data on how many Russian citizens emigrated to Argentina in 2022. But even now it is clear that their number is significantly higher than in the previous few years.

The increase in the flow of emigration from Russia means that even more people need to solve problems with documents. The market of "managers" and "consultants" on emigration immediately responded to this situation. Unfortunately, not all of these consultants have sufficient knowledge and work honestly. Many of them, instead of



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[Mostrar original](#)

minimum, come to Argentina.

Can I leave Argentina while I am applying for citizenship?

(I have already answered this question, but since it keeps being repeated in messages, I will answer it again)

Yes, you can. Freedom of movement within and outside Argentina is guaranteed by *Article 14 of the Constitution*: "all residents of Argentina have the right ... to enter, stay, move within and outside Argentina." In fact, this article makes the migration legislation and the residence permit regime unconstitutional.

To ensure that the process of obtaining citizenship goes smoothly and without unnecessary complications, I always recommend that my clients stay in Argentina for at least 7 months a year before the court decision is made.

If I have a criminal record, can I become an Argentine citizen?

In case of a criminal record, the process of obtaining citizenship will be more complicated, expensive and long (from 5



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Гражданство Аргентина: адвокат Кристиан Р...
**Answering Frequently Asked Questions
about Citizenship (Part 3)**

We continue to answer questions that come in via chat and private messages.

[Part 1](#) , [Part 2](#)

Can I start the citizenship application process remotely?

I often write that the courts illegally complicate the requirements for those applying for citizenship and continue to require 2 years of residence in the country with a residence permit, official work, a full package of documents with apostilles, etc. However, one of the requirements is mandatory, and this requirement is to be in Argentina.

Article 15 of the Argentine Constitution states: "Every person who sets foot on the soil of the Argentine Republic becomes free." The constitution understands "freedom" as "citizenship." Also, the key word here is "sets," meaning arrives and resides in Argentina. Therefore, to become a citizen of Argentina, you must, at a



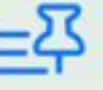
Difusión





Mensaje fijado #1

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[Mostrar original](#)

Types of fraud

It is necessary to distinguish between fraud in obtaining citizenship (la carta de ciudadanía) and in obtaining a residence permit (la residencia legal), with the help of which many people subsequently plan to obtain citizenship.

It should also be understood that the residence permit system is essentially second-class citizenship under a monarchy or dictatorship. The requirements for obtaining a residence permit are based on racial, religious and ideological criteria. And in Argentina, obtaining a residence permit is not mandatory. Moreover, as we will see later, the best way to avoid fraud is not to apply for a residence permit. But first things first.

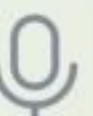
Fraud in obtaining citizenship

Judicial precedents show that the main fact of fraud in obtaining citizenship is the falsification of la carta de ciudadanía (citizenship certificate) and bribery of authorities in the process of obtaining it.

Example 1: In 2000, there was a lawyer who



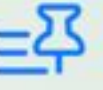
Difusión





Mensaje fijado #1

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 [Mostrar original](#)



years), but you can get citizenship. We discuss the details and features of each specific client with a criminal record and/or an open case at a consultation before starting work.

It is important to understand that if you have a criminal record and/or an open court case, you should not apply for a residence permit under any circumstances. A criminal record and an open case are a direct reason for deportation.



12

 4,3K 4:38 PM[19 comentarios](#)

17 de noviembre de 2022

[Гражданство Аргентина: адвокат Кристиан Р...](#)

In what cases can you be deprived of citizenship in Argentina?

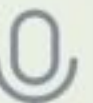
(Part 1)

Argentina's Supreme Court ruled that acquired citizenship can only be revoked if it was obtained through fraud. So first we need to understand what "fraud" means and what it consists of.

Types of fraud

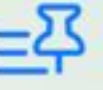


Difusión



**Mensaje fijado #1**

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 [Mostrar original](#)

citizenship, then you are dealing with scammers.

We will continue to talk about the cancellation of citizenship and fraud in the registration of residence permits tomorrow

 2,6K 10:29 AM[7 comentarios](#)

20 de noviembre de 2022

Гражданство Аргентина: адвокат Кристиан Р...

In what cases can you be deprived of citizenship in Argentina?

(Part 2)

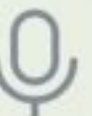
It's been a busy week, so we'll continue talking about citizenship fraud a little later than planned.

The concept of "fraud" in immigration law

Falsification of status is a concept from the field of immigration and medieval law, where social movement from "slave" (foreigner) to "nobleman" (legal resident) to "order of knights" (citizens) required permission from the state. For this social advancement it



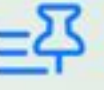
Difusión





Mensaje fijado #1

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Mostrar original



offered express citizenship for a very significant fee. The citizenship certificates he sold to clients were fake. Subsequently, 200 of his clients lost their citizenship and found themselves in the situation of atarides.

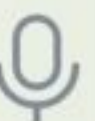
Example 2: One of the first precedents of the Supreme Court of Argentina to annul la carta de ciudadanía also occurred due to fraud and bribery. The pimps who had previously started the citizenship process paid a bribe to the police to issue them a fake certificate of good conduct. But these pimps were well-known enough that the deception did not last long.

Example 3. Another important precedent of citizenship revocation due to fraud occurred in the province of Cordoba. A judge's secretary illegally worked with a "helper" manager and forged the judge's signature to sell citizenship certificates. The secretary received a prison sentence, and almost 500 citizenship certificates issued in this way were revoked.

I hope you have already realized that "express" citizenship does not exist and that if someone offers you to buy such



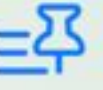
Difusión





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During World War II, the issue of fraud was discussed in a way that is interesting for today's situation. The case concerned an Italian deserter whom the Italian government wanted to return to his historical homeland to participate in military operations.

For the Nazi and Fascist governments of the era, the fraud was in the fact of desertion from the army. According to this logic, Argentina should have repatriated the deserter. However, the judges argued that, according to the requirements of Federal Law 346, this deserter should have been given a certificate of citizenship, since Argentina is a sovereign country, presupposes the good faith of the person, and the only thing that matters is the will of the person to become an Argentine citizen, which he expressed before a federal judge. And therefore, he cannot be repatriated.

During the period of validity of DNU 70/2017, the Migration Board attempted to appeal the granting of a citizenship certificate in one of my cases.



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the state. For this social advancement, it was necessary to fulfill certain conditions: for example, to belong to a certain nationality or religion.

If we analyze the migration legislation of Argentina, we will see that the native citizens of MERCOSUR are presented with minimal requirements for obtaining a residence permit : they only need to provide a certificate of good conduct from Argentina and their country of origin. At the same time, citizens of other countries are required to provide a more extensive package of documents. This practice shows that a residence permit is a second-class citizenship for the "Latin American race".

An important, but not so obvious, clarification needs to be made here: the infamous Nuremberg Race Laws of the Third Reich were nothing more than a revival of immigration/medieval legislation. They also required one to demonstrate membership in the "race" of citizenship. After the French Revolution, this legislation was repealed in most countries of the world, since it regulated medieval vassalage relations.

Interpretation of "fraud" during World War



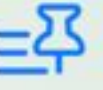
Difusión





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Migrations officials claimed that fraud had been committed because we had started the citizenship process without first obtaining a residence permit.

However, the Federal Chamber responded that the illegal actions in this case were committed by the officials of the Migration Service, since they could not provide a report to the court for 18 months and used this time to make an underground order for the deportation of my client. At this point, my client is already a citizen of Argentina and his citizenship certificate is beyond reproach.

Continuation of the topic in the next publication.



15



2

 2,8K editado 10:55 AM



[Dejar un comentario](#)



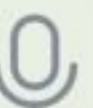
22 de noviembre de 2022

Гражданство Аргентина: адвокат Кристиан Р...
In what cases can you be deprived of citizenship in Argentina? (Part 3)

Part 1

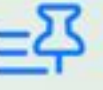


Difusión



**Mensaje fijado #1**

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 [Mostrar original](#)

**Is it fraudulent to submit an application without a residence permit?**

Law 346 abolishes the legitimacy of the residence permit. Therefore, applying for citizenship without a residence permit is not fraud.

Is it a scam to request multiple days of stay in the country?

Article 20 of the Constitution states that two years of residence in the country are required to obtain citizenship, not to begin the process. And in the case of deserters, the court has established the obligation to immediately appear before a judge.

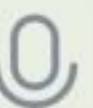
What would the fraud consist of then?

Fraud is committed when applying for a residence permit, because you are not a simple immigrant, but a deserter. If you have already started the citizenship process without indicating that you are a deserter, this can be corrected by providing, for example, a summons from the army or a military ID.

You can apply for a residence permit, but



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How do I help my clients obtain citizenship legally and without fraud?

In 14 years of practice, I have never had to respond to a request to cancel a citizenship letter because my strategy is to:

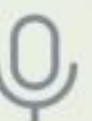
- submit an application with a passport
- present the facts as they are
- to legally discuss why all this is not an obstacle to obtaining a citizenship certificate.

For example, in cases involving Chinese citizens, we have always been honest about the fact that they were victims of illegal migrant trafficking, that they entered the country with a false entry stamp, crossing the border at night through the jungle, and that they were working in a supermarket without official registration.

As for the cases of Russian citizens, in the presentation of the case in court I state without euphemisms that my client will immediately appear before the judge because he is a deserter from the army of the Russian Federation.



Difusión





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Гражданство Аргентина: адвокат Кристиан Р...

Why is the 2 year "legal" residency requirement illegal?

Part 1

In Russian-language chats and groups I continue to see questions like: "How long do you need to live legally in Argentina before applying for citizenship?" Someone immediately answers: "You need to live legally for 2 years/with a residence permit."

Usually in these cases they refer to Article 2, paragraph 1 of the repealed version of Law 346 from the government website:

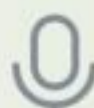
https://www.argentina.gob.ar/sites/default/files/ley_346_ley_de_ciudadania.pdf

However, this document is no longer valid , as it reflects the effect of the cancelled DNU 70/2017.

DNU 70/2017 was cancelled after I found more than 120 inconsistencies with the Argentine Constitution in its text, thus paralyzing the immigration reform of former President Macri, who had previously signed this DNU. I also sent a direct request to



Difusión



7:32 



Гражданство Аргентина: адвокат...

3.161 suscriptores



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 [Mostrar original](#)



only after you have applied for citizenship.
This way, you will not be accused of fraud
and will be protected from deportation/
repatriation.



 3,3K 9:57 AM



7 comentarios



27 de noviembre de 2022



Mensaje fijado #1

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Mostrar original



powers to expel foreigners living in Argentina from the country. In particular, to deport without a court order and control within 60 days;

- Family reunification is cancelled;
- To start the citizenship process, they start requiring 2 years of residence with a residence permit;
- A special prison for foreigners is being created.

In general terms, the DNU revived alien slavery because a slave for racial reasons:

- 1) has no right to defend himself;
- 2) does not have the right to personal freedom;
- 3) has no right to claim freedom (citizenship), since he cannot change his race;
- 4) legality is evidence of racial purity, since native citizens of MERCOSUR only need to demonstrate that they have no criminal record, which means that the residence permit is second-class citizenship of the Latin American race.



Difusión





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cancel the DNU to the current President of Argentina Alberto Fernandez, and in 2021 he signed Decree 138/2021, canceling the DNU 70/2017 (photo of the letter in the comments).

The current citizenship law does not require "legal residence" in Argentina. Article 2, paragraph 1, on naturalized citizens states that such are:

Foreigners over 18 years of age who have resided in Argentina continuously for 2 years and who declare before a federal judge their desire to become an Argentine citizen.

The current text of the law, which has been returned to its original form of 1863/69:

<https://www.argentina.gob.ar/normativa/nacional/ley-346-48854/actualizacion>

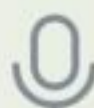
What's wrong with DNU 70/2017?

In 2017, Mauricio Macri, then President of Argentina, signed this DNU, which:

- the Migration Service receives more



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 [Mostrar original](#)



In [Part 1](#), we stopped at the fact that one of the "reasons" for the introduction of DNU 70/2017 was the "increase in crime" among immigrants. But in fact, the crime rate among immigrants has not increased, but even decreased.

In this case, what "crime" did the creators of DNU have in mind?

In 2017, I asked for DNU 70/2017 to be declared illegal based on 300 citizenship cases. One of the judges, the least friendly, asked for the opinion of Migraciones (DNM). And here's the interesting thing. The head of the legal department of Migraciones published a legal opinion in which he explained: the crime is "the fraud that consisted in the fact that Dr. Cristian Demian Rubilar Panasiuk developed a strategy to obtain citizenship without prior residence" (excerpt from this opinion in the comments). Or, in other words, effectively evaded the mechanisms of racial discrimination hidden in the apparent neutrality of immigration law.

In fact, the DNM used the concept of "fraud" from medieval law: the forgery of status, when a person not belonging to the



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The source of DNU 70/2017 was the draft of the Nationality (Race) and Citizenship Law of 1937, which was a simple translation of the Nuremberg Race Laws with a small dose of Christianization: the final ban on interracial marriages was considered anti-Christian by the author of this law and was not included.

The Macri government justified the adoption of DNU 70/2017 by citing the fight against crime. They claimed that there had been an escalation in criminal activity among foreigners. However, this provision was refuted by judges and declared unconstitutional, since the number of foreign prisoners had not actually increased, and had even decreased in the years before the signing of the DNU.

Continued in the next publication


5,5K 9:33 AM



20 comentarios

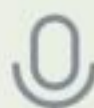


12 de diciembre de 2022

Гражданство Аргентина: адвокат Кристиан Р...
Why is the 2-year "legal" residency requirement illegal? (Part 2)



Difusión





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Mostrar original



committed by DNM's lawyer when he secretly processed the deportation order. DNM's lawyer was subject to criminal investigation and was relieved of his duties as DNM.

And a little historical background. Macri was not the first to seek to restrict access to citizenship and the rights of immigrants in Argentina. From 1930 to 1983, a succession of dictatorships systematically did the same. In particular, dictator Jorge Rafael Videla introduced 25 requirements for citizenship, including proficiency in spoken and written Spanish, legal residence and official employment, and two years of prior uninterrupted residence with a residence permit.

But now these rules are not valid , see [Part 1](#)



4,4K 9:07 AM



14 comentarios

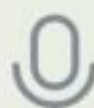


27 de diciembre de 2022

Гражданство Аргентина: адвокат Кристиан Р...
Is deportation possible if you have applied for citizenship but have not obtained a residence permit in Migrations (DNM)?



Difusión





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Mostrar original



race of citizenship acquired the title of aristocrat (I wrote about this in more detail [here](#)). We see a similar interpretation of "fraud" in Nazi legislation, where citizenship was not freedom, but a title of belonging to a "noble" race.

Another interesting fact. In an interview before the World Cup, former president and author of DNU 70/2017, Mauricio Macri, said: "Germany will definitely reach the final, because the Germans are the superior race." Thus, he finally confirmed the Nazi essence of his DNU.

In 2017, DNM lawyers sued me and interfered in citizenship cases that they are legally prohibited from participating in. In the case of one of my clients, they challenged the issuance of a citizenship letter, claiming that my client and I had committed fraud by obtaining citizenship without a residence permit (I wrote about this case [here](#)).

The Federal Court of Appeals responded that neither a lawyer who invokes the Constitution nor a judge who does so can ever commit fraud. The Court of Appeals also ruled that fraud in this case was



Difusión





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on my website. Link in the first comment)

First, it is important to distinguish between two different situations involving foreigners. One situation is when a person comes to Argentina and does not intend to become a citizen of the country. In this case, his stay in the country is regulated by the immigration service. A completely different situation is when a person comes to Argentina and intends to obtain citizenship. In this case, he falls under the action of Law 346 and the jurisdiction of the federal court.

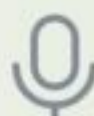
Secondly, my client could not be accused of fraud when applying for citizenship. The application for citizenship was submitted before the implementation of Decree 70/2017 and long before the deportation order was received from the DNM. In other words, the deportation order was signed after the carta de ciudadanía had already been processed and was therefore invalid.

As a result, my client retained his Argentine citizenship, and the immigration service lawyers lost their jobs and faced criminal charges.

That is why I constantly repeat in my posts



Difusión





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[Mostrar original](#)

I received this question again last week, so I will answer it again in this post using one of the leading precedents in my practice as an example.

What happened?

One of my clients from China came to the country illegally, which we openly stated in an affidavit at the beginning of the citizenship process.

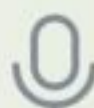
When my client had already obtained citizenship, DNM lawyers ruled that the immigration service had the right to intervene in the case and revoke my client's citizenship due to fraud. According to the logic of DNM lawyers, since my client had entered the country illegally, he was issued an arrest warrant for deportation with a subsequent ban on returning to Argentina for 5 years. DNM lawyers also argued that my client had no right to apply for citizenship without a prior residence permit and fell under the jurisdiction of the immigration service.

What did the federal judge say about this?

(The original court decision can be viewed



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**Гражданство Аргентина: адвокат Кристиан Р...****"The Argentine Passport is the Fastest in the World" and Other Misconceptions About Argentine Citizenship**

The Russian-language Internet has written and filmed so many things about citizenship in Argentina. In 99% of cases, the information in these materials is significantly distorted or does not correspond to reality at all. Let's look at the most common misconceptions that I have encountered.

"The Argentine passport is the easiest and fastest passport in the world"

Firstly, the rhetoric of "getting a passport quickly" itself resembles document trading, which is illegal and fraudulent. Secondly, a passport is a document that allows travel, while citizenship in Argentina means freedom.

Indeed, Argentine law allows anyone who sets foot on Argentine soil (Argentine Constitution, Article 15), expresses their desire to be an Argentine citizen before a federal judge and resides in the country for two years (Citizenship Law, Article 2, paragraph 1) to become a citizen of the



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Mostrar original



on this channel: it is important to first apply for citizenship (solicitud de carta de ciudadanía). If you do so, the court accepts your intention to become an Argentine citizen and eliminates the risk of deportation.

Why is the risk of deportation excluded?

Because from the moment you apply for a carta de ciudadanía, you are already considered a ciudadano/ciudadana informal, that is, a citizen of the country who does not yet have papers. According to Argentine law, it is prohibited to deport Argentine citizens, regardless of whether they have papers or not. Deportation of an Argentine citizen is illegal deprivation of liberty or, in simple terms, kidnapping.

It is important to understand that the fact that DNM interfered in my client's federal citizenship case was already a scandal in itself. This practice revives the traditions of the former slave police. The ICE was part of the Customs Police and administered the purchase and sale of slaves: making sure that previously stolen or escaped slaves were not sold. So the federal court shut down this attempt at interference.



6.2K editado 10:22 AM



Difusión





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[Mostrar original](#)



some politicians and government officials in Argentina still classify citizens of Russia, the former USSR, and China as "communists." That's why it's so important to know which judges Macri appointed.

- On the first day, only a lawyer can demand an automatic change of judge. But for this, a lawyer must understand what kind of judge his client got. This knowledge comes from 15 years of experience in federal legislation

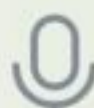
- If you are unlucky with the judge the second time, only a lawyer can remove him from the case. And the lawyer must know how to do it

- Judges are already overloaded with work. I can officially send requests to authorities for my clients without waiting for the judge to have time for it.

- One of the manifestations of discrimination and racism is starting a citizenship case anew because the answers of the authorities are outdated. To avoid this, I automatically update the answers of these authorities for my clients.



Difusión





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Mostrar original



country.

It seems that you simply start the process of applying for citizenship and then it is given to you just as easily. This was true in 1913, when Mr. Barral received citizenship in 3 working days (scan of his carta de ciudadanía in the comments). But it should be taken into account that in that era there were 30 citizenship cases per court official, and now it is already 3000 cases per official.

Currently, the process of obtaining citizenship is much slower and more complicated for the following reasons:

- CABA has only 10 judges, 20 secretariats and 2 prosecutors
- In 2017, 500 thousand Venezuelans arrived and now they make up 98% of citizenship cases
- In 2010, each judge had 300 cases, in 2021 it was already 3,000
- Half of the judges were appointed by former President Macri, an unwavering "anti-communist." Despite the fact that communism has long since disappeared,



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Mostrar original



faster procedure for obtaining citizenship (Citizenship Law, Article 2.2), because you do not have to wait 2 years until a verdict is issued.

However, you must meet all other requirements, the most important of which is having a house in Argentina.



37



2

4,2K 9:48 AM



18 comentarios

**(Started in the previous post)**

This means that you must be physically present in Argentina 7 months of the year.

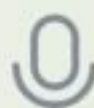
Also, having an Argentine child will not save you from racist judges. They will demand that you know Spanish, even if this requirement has already been abolished and banned by the Supreme Court.

The second thing the racist judge will demand is work in Argentina.

It seems to me that many representatives of the "help" market in paperwork promise something that they cannot receive, and this is called fraud.



Difusión





Mensaje fijado #1

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Is the Argentine passport the easiest to get?
I would say it is less discriminatory.

Citizenship in Argentina is a right and therefore can be chosen if you know how to do it.

Argentina prohibits racial, religious or ideological discrimination under European citizenship laws based on the "right of blood." Discrimination is punishable by up to 20 years in prison.

Therefore, citizenship can always be obtained, although in some cases it will be more difficult. In my practice, I have won cases of clients with illegal entry, false passport, deportation order, arrest order with subsequent deportation, apostates (Muslims who converted to Christianity), same-sex Muslim marriages, etc.

But it is impossible to win a case unless you are in Argentina at least 7 months a year.

"To obtain citizenship in Argentina, you just need to come to Argentina and give birth to a child"

Having a child actually gives the right to a



Difusión





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Гражданство Аргентина: адвокат Кристиан Р...
What to do when the first 90 days of stay in Argentina are over?

Part 1

You arrived in Argentina about three months ago, have not yet applied for citizenship or residence permit and do not know whether you need to extend your tourist visa to Migraciones (DNM) or not. In this publication, I will answer the most common questions and doubts on this topic.

If you do not extend your visa, will you have problems with further registration of citizenship/residence permit and just with everyday life in Argentina?

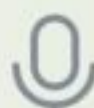
No, it won't. Article 15 of the Constitution guarantees the right of any person who sets foot on Argentine soil to live there freely.

Articles 14 and 20 of the Constitution guarantee a person without a visa the same rights as citizens of the country, with the exception of political rights.

Without extending your visa, you will be able to study, work, rent/buy housing and use



Difusión





Mensaje fijado #1

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"If you have an Argentine child, you can leave the matter to a lawyer, leave the country and come back only to take the oath"

Even if you have Argentine children, it is also important for the judge that you are in Argentina for at least 7 months a year before the decision is made. If you are promised to "register citizenship remotely," then you are being deceived.

"If after receiving citizenship you leave Argentina for more than 2 years, your citizenship will be revoked"

No. Here citizenship is confused with a residence permit. A residence permit will definitely be cancelled if you are not in the country for more than two years. Citizenship can only be cancelled in case of fraud during its registration.



37



3



1

4,6K editado 9:48 AM



19 comentarios

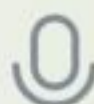


30 de enero de 2023

Гражданство Аргентина: адвокат Кристиан Р...
What to do when the first 90 days of stay in Argentina are over?



Difusión





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not. If your 90 days have expired, you are denied entry into the country and deported. You will only be able to re-enter after 180 days.

Will you be able to travel outside the country and return if you extend your tourist visa?

No. A few days ago, a Russian citizen who was denied entry into the country after extending his tourist visa contacted me for help. For convenience, we will call him A. in this text.

After the first 90 days, A applied to Migration and received an extension of his tourist visa (prorroga de visa transitoria). After that, A went on holiday to a neighbouring country.

However, when A returned to Argentina, at the immigration control, the official Migraciones refused him entry into the country, despite having a prórroga de visa transitoria. A was deported back to the country where he was on vacation. At this point, A turned to me for help and became my client.



Difusión





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Mostrar original



healthcare services.

When you are ready to apply for citizenship, or for any visa in Migration, you simply start the process.

Will you be able to travel outside the country and return if you do not extend your tourist visa?

No. Once you have completed the first 90 days, you can leave the country, but when you return, Migraciones officials will not allow you to re-enter.

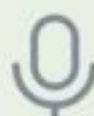
In 2009, Argentina and the Russian Federation signed an agreement on common migration policy. Article 1 of this agreement establishes the following:

Citizens of the state of one Party [...] may enter, leave, transit and stay in the territory of the state of the other Party without visas for no more than 90 days during each period of 180 days (starting from the date of first entry).

Every time you pass through border control, a Migraciones official checks whether you have used up 90 days in the last 180 days or



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Mensaje fijado #1

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Mostrar original



- When you renew your tourist visa in DNM, a migration file is automatically created in the system. If after the second 90 days you do not leave the country, you will automatically receive a deportation order. Therefore, I always repeat: if you do not apply to Migraciones, you will not have a deportation order

- If you expire your tourist visa within the first 90 days, you do not become an illegal alien. Instead, you become a resident, which has the same rights as a citizen.



39



3



1

7,4K 12:36 PM



21 comentarios



What to do when the first 90 days of stay in Argentina are over?

Part 2

(Part 1 [above](#))

A resident is a citizen who does not yet have political rights. To obtain this status, you just need to start living in Argentina and not apply for any residence permit.

- The habeas corpus case is still pending.



Difusión





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Mostrar original



Why was entry denied in this case?

To resolve this issue, I filed a habeas corpus for A in court, it was denied, then I appealed and won.

During the appeal, it was revealed that DNM had concealed in its reports to the court the fact that A had an extended tourist visa . The Appeals Chamber requested that the habeas corpus hearing be held via Zoom.

During this meeting, the head of the legal department of DNM, Dr. Sandoval, presented to us DNM's position on this case:

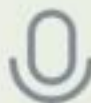
When you extend your tourist visa for another 90 days, it gives you the right to stay in the country as a tourist. But it does not give you the right to re-enter the country, since the 2009 agreement between Argentina and Russia is still in effect.

Let us clarify the following points:

- Article 1 of the Constitution guarantees the right to stay, travel within the country, leave and re-enter the country, because these rights cannot be separated from each other.



Difusión





Mensaje fijado #1

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[Mostrar original](#)



But even if there were no agreement between Argentina and the Russian Federation, in a situation where you leave Argentina after 90 days, there is still a risk of being denied entry into the country. Decree 616/2010 of 2010 introduced the concept of "abuse of a tourist visa". If a person constantly enters and enters the country to renew a visa (visa run), then the Migraciones officers at the border have all the authority to refuse entry into the country.

Abusing a tourist visa may seem harmless. But if we go back to the jurisprudence of World War II, immigration officials read it as an indication of a possible spy. Visa runs were a bad idea before, and they are simply unacceptable now.

How to avoid such a situation?

Before making any decisions related to paperwork, consult with licensed lawyers. Random people from the Internet do not understand the intricacies of Argentine civil and immigration law. Also, do not lose sight of the fact that military law and the jurisprudence of Argentine military tribunals are now coming into play.



Difusión





Mensaje fijado #1

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Mostrar original



Гражданство Аргентина: адвокат Кристиан Р...

Migration Service Detains Pregnant Russian Women and Denies Them Entry into Country

Yesterday, a pregnant Russian woman who was denied entry to the country turned to me for help. In order to avoid deportation, I submitted a habeas corpus to the court and we are currently waiting for a decision.

IMPORTANT! If you are in the same situation or know someone who is in this situation, please contact me (+54 9 11 3296-6249) or my translator @dashiva88

Please share this post

@citizenship_argentina



14



3



2



1

8K editado 11:55 AM



17 comentarios



Гражданство Аргентина: адвокат Кристиан Р...



Sentencia habeas corpus
embaraza rusa E.I..pdf

3,3 MB

As many of you know, 3 pregnant Russian women were denied entry to Argentina at



Difusión





Mensaje fijado #1

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Mostrar original



If you started the citizenship process before leaving Argentina, then they simply cannot refuse to let you back into the country.

If you do not have any citizenship process or any residence permit yet and you plan to stay in Argentina, do not leave the country.

Telegram

Гражданство Аргентина: адвокат Кристиан Рубилар

Что делать, когда заканчиваются первые 90 дней пребывания в Аргентине?

Часть 1

Вы приехали в Аргентину около трех месяцев назад, пока ещё не подали ни на гражданство, ни на ВНЖ и не знаете, нужно ли продлевать туристическую визу в Миграсьонез (DNM) или нет. В этой публикации отвечу на самые распространенные вопросы и сомнения по этой теме....

VER MENSAJE



37



4



1

6,9K editado 12:36 PM



56 comentarios

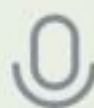


9 de febrero de 2023

Гражданство Аргентина: адвокат Кристиан Р...
Migration Service Detains Pregnant Russian Women and Denies Them Entry into Country



Difusión





Гражданство Аргентина: адвокат...

3.161 suscriptores



Mensaje fijado #1

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[Mostrar original](#)



that the detained Russians should be provided with a hotel, medical care and all necessary conditions until the court's decision is made.



9,3K editado 2:50 PM



7 comentarios



11 de febrero de 2023

Гражданство Аргентина: адвокат Кристиан Р...

The court allowed my clients to enter Argentina.

At this moment (11.02, 00:45, five hours after the decision was made) 6 Russian women (3 of my clients, 1 client of another lawyer and 2 other previously detained girls) have finally passed the Migraciones and will go to their Argentine homes.



4,9K editado 12:46 AM



33 comentarios



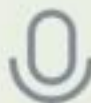
Гражданство Аргентина: адвокат Кристиан Р...

Results of the situation with the detained Russian women

After the court case, no pregnant woman will be detained in Ezeiza. This place is not



Difusión





Mensaje fijado #1

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[Mostrar original](#)



the airport by immigration and were threatened with subsequent deportation. I am the lawyer of one of them. Yesterday I stopped the deportation. Today we won habeas corpus.



44



20



4

5,4K editado 8:34 PM



34 comentarios



10 de febrero de 2023

Гражданство Аргентина: адвокат Кристиан Р...

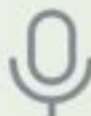
Detention of pregnant Russian women by the Migration Service | Results of the court hearing

At the end of the hearing, it was possible to confirm that the criterion for detaining my clients was the fact that they were all women, pregnant and unaccompanied by a man. Today, about 30 families and men traveling alone were able to enter Argentina. And none of them were detained. Only pregnant women traveling alone were detained.

The prosecutor ruled that this selection criterion is discriminatory in nature and that my clients should be allowed to enter the country. **We are awaiting the court's decision.** But the court has already ruled



Difusión





Mensaje fijado #1

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[Mostrar original](#)



will be detained in Ezeiza. This place is not at all prepared for a pregnant woman to be there for a long time. Accordingly, there will be no more detentions of pregnant women. This is a success that we have managed to achieve.

Given the current situation, Migraciones will give desembarcos provisorios to those arriving. The only thing this document confirms is Migraciones' racism. Because after the birth of a child, Russian citizens will be able to start applying for a residence permit or citizenship. The actions of the director of Migraciones are criminal and it is unlikely that she will retain her position.

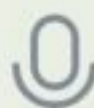
What should I say when going through immigration control?

The truth. The Migration Service claims that it detains those who have not declared their true intentions.

If you come with the intention of staying, be sure to inform: that you are moving to live in Argentina, that you are leaving because of the war, that you are asking for asylum (refugio).



Difusión





Mensaje fijado #1

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 [Mostrar original](#)



Гражданство Аргентина: адвокат Кристиан Р...

Three Habeas Corpus and What You Need to Know When Entering Argentina to Avoid Being Stopped at the Border

Part 1

In late January and February, three habeas corpus writs were filed against Russian citizens who were denied entry into the country:

- one person was not allowed into Argentina after a short trip to Chile
- 6 pregnant Russian women detained at Ezeiza airport
- one man was not allowed into the country because his passport aroused suspicion among Interpol.

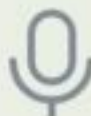
In this text I will tell you about how the habeas corpus defense processes took place and what consequences they have for other Russians entering Argentina.

Habeas corpus in case of Russian woman denied entry after trip to Chile

At the end of January, I was contacted by a



Difusión



7:35 



Гражданство Аргентина: адвокат...

3.161 suscriptores



Mensaje fijado #1

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 [Mostrar original](#)



The Migraciones questionnaire specifically does not have these options. You should fill them in yourself.



42



18



11



3

 7,4K editado 4:38 PM



101 comentarios





Mensaje fijado #1

My name is Christian Rubilar , I am a professional law...



 [Mostrar original](#)



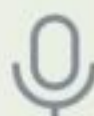
corpus is a valid remedy if a person is being sent back to a country where he or she may be in danger. The Appeals Chamber has not ruled that way in 70 years. If a person is being deported to a country where he or she is not in immediate danger (in this case, Chile), the remedy for appealing the entry ban is to appeal to Argentina's Consular Affairs abroad.

Appeal to the consulate

At the very beginning, we tried to file this appeal at the Argentine consulate in Santiago, Chile. But the consul refused to see my client at the embassy, saying that she was not Argentine. The consul suggested that my client apply for a visa. I contacted the consul by phone and informed her that she would be charged with a criminal offense. After that, the consul agreed to accept the appeal by email. Usually, in such cases, the consul sends the appeal to the Migration Service, and then you have to pay a special appeal tax before returning. But in this case, the tax payment receipt was never created. This means that the consul never sent anything to the Migration Service.



Difusión






Гражданство Аргентина: адвокат...

3.161 suscriptores



Mensaje fijado #1

My name is Christian Rubilar , I am a professional law...  [Mostrar original](#)

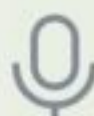
At the end of January, I was contacted by a Russian woman who had previously extended her tourist status in Argentina for a second 90 days and went on holiday to Chile. When she arrived in Argentina, the Migration Service applied the provisions of the Agreement between Russia and Argentina on the visa regime to her: *after the first 90 days, when re-entering Argentina, Russians must apply for a special visa or wait 180 days.* The Russian woman was deported back to Chile and after that she contacted me.

I filed a habeas corpus, it was rejected in the court of first instance, and then in the Appeals Chamber No. 3 of the city of La Plata. After that, I filed a cassation appeal and provided the court with evidence that the Migration Service extended the Russian woman's tourist stay until 23/03/23. It turned out that the Migration Service deliberately concealed this information about its report submitted to the court.

The Appeals Chamber rejected the entry ban and scheduled a hearing. Three weeks after that hearing, the judge again rejected habeas corpus. The Appeals Chamber affirmed that decision, but held that habeas



Difusión





Mensaje fijado #1

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Mostrar original



court decision, which we had indirectly won.



37



1

3,9K editado 8:00 AM



Dejar un comentario



Three Habeas Corpus and What You Need to Know When Entering Argentina to Avoid Being Stopped at the Border

Part 1 (continued)

The judge asked the police to indicate whether there was a court order prohibiting my client from re-entering. Here the judge endorsed my boldest argument from habeas corpus: *the immigration police had no authority to make an arrest under the euphemism of "refusal of entry" without a court order, since the airport was already Argentine territory .*

Article 33 of the Refugee Law states that entry may only be refused at the border if the person poses a danger to public safety. All federal police services reported that there were no such orders regarding my client. The judge spoke to the head of the immigration service at the airport, who told him that there was no consular appeal. This was a lie. The judge orally ordered that my



Difusión





Mensaje fijado #1

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 [Mostrar original](#)



After the last decision of the Appeals Chamber, representatives of the Migration Service contacted me to ask me to pay the appeal fee. I sent my employee to their office and there he was told that it was impossible to generate a receipt because my client already had an extended tourist status. The consul, in turn, wrote that when appealing through the consulate, there is no need to pay the fee.

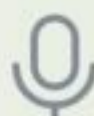
How it all ended

Having received this information, I told the client to fly to Argentina the next day, but not to Ezeiza, but to Aeroparque within the CABA.

The morning before my client arrived in Argentina, I presented another habeas corpus to the court to avoid the stress of being arrested. I stated that my client was returning to Argentina after the decision of the Third Appeals Chamber, that from the moment she got off the plane, her extended tourist status would be in effect, and that no one at the Migration Service knew what to do with the payment of the appeal fee. And that it was therefore obvious that the Migration Service would not comply with the



Difusión





Mensaje fijado #1

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Mostrar original



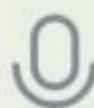
people "disappeared" as a result of the criminal actions of the dictators. After the return to democracy, a special committee was formed, whose members collected about 9,000 testimonies from victims of the dictatorship and published a book called "Nunca Más" ("Never Again").

Many of the victims testified in court against the military juntas. Despite all the crimes against humanity that the dictators had committed, the court's decision was unpredictable until the very end. The final and decisive straw was the testimony of one pregnant woman. She had been kidnapped during the dictatorship, tortured, and had given birth to her child in the back of a patrol car, naked and handcuffed. The court sentenced those responsible for the genocide to life imprisonment and declared that nunca más (never again) something like this could not happen in Argentina. The same words, nunca más, were used by federal judge Armella in his ruling on the case of the pregnant Russian women illegally detained in Ezeiza.

Pressure from public opinion and the media in Argentina forced judges to resurrect habeas corpus as a legitimate and effective



Difusión




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[Mostrar original](#)



was a lie. The judge orally ordered that my client should not be prevented in any way from entering Argentina, since an appeal to the consul cancels the refusal of entry into the country. As a result, my client was able to return to Argentina and was not told anything at passport control.



41



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4K editado 8:00 AM



12 comentarios



28 de febrero de 2023

Гражданство Аргентина: адвокат Кристиан Р...

Habeas Corpus and What You Need to Know When Entering Argentina to Avoid Being Stopped at the Border

Part 2 (read [part 1](#))

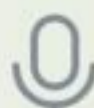
I decided to publish the results of all habeas corpus, since there are many questions about entry in the chat. I will tell you about habeas corpus in defense of pregnant Russian women and a Russian with a suspicious passport tomorrow.

Results of three habeas corpus

During the last military dictatorship, 30,000



Difusión





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 [Mostrar original](#)



25 of the Constitution establishes that European immigration cannot be limited in any way (in Argentina, Russians are considered European immigration).

What protects you from the moment you step off the plane is the desire to live in Argentina.

You are protected by the Constitution as soon as you step off a foreign-flagged plane. So DNM's strategy is to put pressure on airlines outside the country.

What I advise you to do about this:

- 1) If you are pregnant, travel as early as possible;
- 2) have a return ticket, even if you did not use it;
- 3) state that you are immigrating because of the war;
- 4) if you have Ukrainian relatives, indicate this, because this is one of the reasons for refugee status;
- 5) If you have deserted, report it. If you have



Difusión





Mensaje fijado #1

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[Mostrar original](#)



remedy to challenge the abuses of power by the Immigration Service. This led to the habeas corpus being habilitated for humanitarian reasons, then for refugee and asylum-seeking reasons, and finally to the application of the Refugee Law. This law establishes that a person can only be refused entry if he or she poses an immediate threat to society, and that such a refusal requires a special court order, not a migration order.

The Director of the Migration Service tried to close the borders by sowing fear among pregnant women, and the only thing she achieved was to open them more than ever.

So when you come to Argentina, you should not say that you are a tourist, because this gives the immigration service the opportunity to reject you as a false tourist. It is important to say that you are immigrating because of the war.

This is a very open formulation that allows you to pass the control and request asylum if necessary. You should know that the introduction to the Constitution invites people from all over the world who want to live in Argentina. At the same time, Article



Difusión





Mensaje fijado #1

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[Mostrar original](#)



Article 14 of the Argentine Constitution is intended for Argentine citizens and lists the rights they are entitled to:

*All inhabitants of the country enjoy the following rights **in accordance with the laws regulating their exercise** , namely: to work and engage in all lawful activities; to travel and trade; to apply to authorities [...]*

The phrase "in accordance with the laws governing their implementation" is understood to mean the payment of taxes.

However, citizenship is described in Article 20 of the Constitution and there is no mention of taxes in it:

*Foreigners enjoy within the Nation all the civil rights of a citizen; they may engage in their industry, trade, and profession; own, purchase, and dispose of real estate; navigate the rivers and coasts; freely profess their religion; make wills and marry according to the laws. **They are not required to accept citizenship or to pay compulsory taxes.** [...]*

Thus, this article exempts foreigners from paying taxes.



Difusión





Mensaje fijado #1

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Mostrar original



a summons, it will serve as additional evidence;

6) If you have a child in Argentina and your residence permit is cancelled, don't worry, there are no real legal consequences.

As I said before, you are not coming to Disneyland on vacation, you are escaping a war, so you should seek direct citizenship protection from a federal judge.



55



4



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5,2K editado 8:50 AM



55 comentarios



10 de marzo de 2023

Гражданство Аргентина: адвокат Кристиан Р...
Proof of honesty of earnings in the process of citizenship

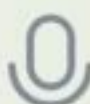
Part 1

In this text we will examine in detail what can be evidence of honest earnings and why monotributo is not always the best solution to this issue.

What does the Constitution say?



Difusión





Mensaje fijado #1

My name is Christian Rubilar , I am a professional law...



Mostrar original



in a lawful activity that provides him with his livelihood. Therefore, evidence in the case that demonstrates the lawfulness of the activity is admissible and in this case it is admissible for this purpose."

For this reason, the Federal Chamber has established that after you have received citizenship, but not before this date, you must monitor and ensure that you have started paying taxes:

"Once the letter of citizenship is given, the judge must take appropriate measures to notify the relevant authorities of the applicant's situation with respect to tax regulations"

Thus, in my practice, even the prostitution of Dominican women who were victims of human trafficking was recognized as honest work, since in Argentina pimping is illegal, but not prostitution itself.



11



6



6

4,5K editado 11:08 AM



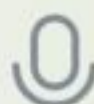
Dejar un comentario



Proof of honesty of earnings in the process of citizenship



Difusión





Mensaje fijado #1

My name is Christian Rubilar , I am a professional law...



Mostrar original



It is important to understand the historical context and origins of Argentine citizenship. The word "foreigner" in the Constitution is synonymous with "slave." The slave trade was not taxed at the time. And the historical origins of the carta de ciudadanía (Argentine citizenship letter) can be traced to the charter of manumission for black slaves.

That is why we speak of "white" (official) and "black" (unofficial) work: this was the name given to the work of the white and black population respectively. The latter worked until 6 pm for the master, and after that time they could work for themselves in order to be able to put aside enough money to buy their freedom.

In 2011, I set the first precedent in which official ("white") work was excluded from the citizenship requirement . And unofficial ("black") work and witnesses were accepted as sufficient evidence. In this precedent, the judges defined the requirement of honest work as any honest and legal activity:

"There is no question of requiring formal employment, but rather of proving that [the person applying for citizenship] is engaged



Difusión





Mensaje fijado #1

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[Mostrar original](#)



or with anonymous receipts for the minimum allowed amount. Judges and prosecutors are not stupid people, such tax reporting seems suspicious to them. And if at least one case with such a monotributo is recognized as fraud, then this will affect the other 300 similar cases and citizenship will be revoked for all of them.

On the other hand, if the evidence of the honesty of the means of subsistence is provided by witnesses, their testimony is controlled by the court. Such evidence becomes indisputable, and the citizenship obtained as a result cannot be revoked.

The secret to applying for citizenship correctly is to tell the truth. The women who said they were prostitutes were granted citizenship, but the famous porn star who said she was an advertising model was not, because she lied in her affidavit. And to top it all off, she was recognized by the judge's staff, who wanted to take a selfie with her.

The problem with lying in a sworn statement is that it is a crime punishable by 6 years in prison. Also, citizenship must be obtained without fraud/deception, only then it cannot be revoked. **This is why it is a mistake to**



Difusión





Mensaje fijado #1

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 [Mostrar original](#)



Monotributo

Monotributo confirms the payment of taxes, which determines the status of a servant (white slavery + payment of taxes).

Therefore, it is not a mandatory requirement in a democratic republic like Argentina. In Argentina, everyone has the right to defend their rights in court, including people working unofficially (with "black/gray" work).

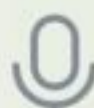
Furthermore, monotributo can be considered as a fraud, the fact of which is easy to prove.

For example, you work for a foreign company and make a monotributo to pay taxes on this activity. However, you cannot prove that the funds were legally deposited into an account in Argentina, since the company pays you into an account abroad. Or in the case of a Russian company, into an account in Russia, from which you cannot legally send money to another country due to sanctions.

Another example: in chats you were advised to open a monotributo of a certain category and "just pay the tax", without any receipts



Difusión





Mensaje fijado #1

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Mostrar original



Falso turista is now on everyone's lips after the February story with the detention of pregnant Russian women and a Russian who aroused Interpol's suspicions, the Migration Service's verification raids on the addresses of arriving Russians, the complication of the procedure for obtaining a residence permit, and the first deportation orders that some Russians began to receive.

This text will help you understand the logic and laws behind the latest decisions and actions of the Migration Service.

A bit of history

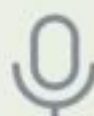
The category of *falso turista* was created during World War II by Decree 536/45. However, the Supreme Court of Argentina quickly declared this decree unconstitutional.

The main reason for the quick repeal of the decree was that it was, in fact, a translated copy of a similar regulation of German military law. Within the framework of this legal norm, it was assumed that a *falso turista* was a spy of an enemy state.

According to this decree, foreigners in the country could be subject to military control



Difusión





Mensaje fijado #1

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[Mostrar original](#)



issue false employment contracts or open a monotributo if you are not actually working in Argentina. Proof of work will depend on the facts of the case and the expertise of a lawyer is to advise you on the best option for your particular situation.

Telegram

Гражданство Аргентина: адвокат Кристиан Рубилар

Подтверждение честности заработка в процессе о гражданстве

Часть 1

В этом тексте детально разберём, что может являться доказательством честности заработка и почему monotributo не всегда лучшее решение этого вопроса.

Что говорит Конституция?...

[VER MENSAJE](#)



50



3

5,4K editado 11:08 AM



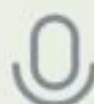
52 comentarios

24 de marzo de 2023

Гражданство Аргентина: адвокат Кристиан Р...
The meaning of the category "falso turista" in the current situation with Russians



Difusión





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 [Mostrar original](#)



were made to the Migration Law. However, the issue of *falso turista* and the organization of border control continued to develop: the government again tried to limit immigration from neighboring countries. Resolution 1089/85 was adopted and "criteria" were developed to distinguish *falso turista* from ordinary ones and to refuse them entry into the country.

Subsequently, Resolution Res 1804/95 and Resolution Desp 4362/14 developed these criteria in relation to emigrants from Peru in the 1990s and emigrants from the Dominican Republic in the 2000s.

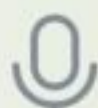
What methods does the Migration Service use to understand who is a "real" tourist and who is a "fake" one?

Migration legislation (Decreto 616/210, Art. 24, a) defines a *tourist* as a person who enters Argentina for the purpose of recreation and stays in its territory for no more than 90 days (with the possibility of extending the stay for another 90 days) .

While the immigration legislation was developing, so were the criteria for what constitutes a "tourist": what a person looks



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country could be subject to military control.

The category of *falso turista* was first formalized in law in 1965 (*Reglamento de Migración*), when the government of the time sought to restrict the entry of the "undesirable" emigration of the time: citizens of neighboring countries coming to Argentina to earn money, European anarchists and communists.

In 1967, the Law on Combating Illegal Immigration (*Represión de la Inmigración Clandestina, Ley 17.294*) came into force. This law prohibited the employment of "illegal" foreigners, landlords had to ask foreigners for a "permanent residence" certificate before moving in. And most importantly, this law gave the DNM powers of immigration police, control, surveillance and "action" against illegal foreigners.

During the last military dictatorship, dictator Videla amended the immigration law (Ley 21.795) and decreed that border control officials had the power to deport "undesirable" foreigners without judicial review.

After the return of democracy, changes



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The meaning of the category "falso turista" in the current situation with Russians

Part 2

In addition to visual control, representatives of "poblaciones sensibles" are subject to verification (Disp 4362/2014, Art. 9) in the form of an affidavit questionnaire. You saw an example of such a questionnaire in chats when the Migration Service came to check the homes of Russians.

Why do I not recommend telling border control that you are a tourist if you are coming to live in Argentina?

Migration law is military law. It is important to say that you immigrate/move to live in a country, because then the international private law of peacetime begins to apply to you. In this case, you are a resident with the same civil rights as a citizen. A resident who cannot be deported.

If you move to Argentina but say you are a tourist at the border, you may be deported. In this case, you are not protected by the Constitution, as immigration officers suspect you are a spy or intentionally



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like, what clothes they are wearing, what luggage they have, and how much money they have with them. So, in the 80s, DNM officers were instructed to pay attention to the presence of a "bolsa de turista" (a small bag typical of that era that people took with them on vacation) and to ask whether a person crossing the border had at least \$500 for tourist expenses in the country. Many Peruvians crossing the border on foot did not have this amount. But there were their own "helpers" who lent foreigners \$500 for a certain fee. Immigrants showed \$500 to a DNM officer, crossed the border, and returned the dollars to the "helper".

In the internal regulations of the Migration Service, there is a concept of "poblaciones sensibles" – these are citizens of certain countries to whom officers must pay special attention. At one time, these were Peruvians and Bolivians, then Dominicans, then Chinese, and now citizens of Russia and Belarus.



22



4



1



1

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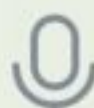
3 comentarios



The meaning of the category "falso turista" in the current situation with



Difusión





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[Mostrar original](#)



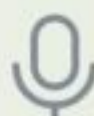
You need to go to the entrance of the DNM and tell the person listening that you have come for a vista de expediente. You will be told to go through the gate and stand in line to the left of the entrance to the building (not to the right, where everyone else will be standing, but to the left). Once you are let into the building, go to the very end of the hall. To your right, there will be windows where you can request a vista de expediente. You will need to fill out a form and give the employee a flash drive, onto which your file will be loaded. But if there is a deportation order in your file, from the moment the DNM receives the file with the file, it considers that it has notified you of this order.

If the deportation order was served to you in person

Option 1: Usually an administrative appeal is filed with the same body, in this case the DNM. Once you have lost the retrial and appeal, the only option left is a direct judicial appeal to la Justicia Contencioso Administrativa (Administrative Disputes Court). The current name of this court is a euphemism that comes from the Spanish Civil Procedure Law of 1856 and is used to refer to military courts for civilians. As you



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suspect you are a spy or intentionally committing fraud.



22

5,4K editado 8:02 AM



51 comentarios



27 de marzo de 2023

Гражданство Аргентина: адвокат Кристиан Р...

What to do if you receive a deportation order?

Part 1

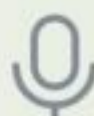
The first thing to know is that the deportation order does not have to be delivered in person. It is delivered to the address you provided when entering the country or to the address you provided to the DNM (Migraciones) when applying for a residence permit. This means that you may have a deportation order issued against you without your knowledge. What should you do in this case?

Experience

Request a viewing of your file at the DNM (vista de expediente), this can be done without an appointment.



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 [Mostrar original](#)



is, to recognize the applicant of habeas corpus as an unofficial citizen without documents for the sole fact of living in Argentina and the desire to settle there. Therefore, Argentina is a state of refuge. In the application for carta de ciudadanía, the applicant seeks to be recognized as a free and full citizen with a document confirming this (DNI, passport, etc.).

Citizenship card as protection against deportation

For the Federal Chamber's jurisprudence, it is very important that the application for carta de ciudadanía is filed before the deportation order if you want to win the case quickly:

https://www.rubilarcitizenship.com/_files/ugd/699fae_6c48aa6ad0c4442b8140d371ff8e0106.pdf

In this case, DNM claimed that the citizenship letter received by my client, who had a deportation order, was fraudulent. However, the judges subtly responded that DNM had committed fraud because it had attempted to deport an Argentine citizen. I



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refer to military courts for civilians. As you can imagine, the chances of success in a military court are zero.

Applying to such a court is a mistake that only accelerates the arrest warrant for subsequent deportation. Lawyers make this mistake either due to lack of knowledge or because they are solely interested in paying for filing this appeal. Once the appeal to the Administrative Disputes Court is lost, the DNM can initiate a case with a request for arrest for subsequent deportation.

Option 2: File a direct appeal to a federal judge and then let it go. Simply filing a stays the deportation order, and it can take up to 4 years for the appeal to be dismissed for inaction. But that time must be used to obtain a citizenship letter, since that is the only possible defense. Why is that?

In Roman law, there were procedures regarding status that were intended only for slaves (direct appeal and arrest) and others for free people (habeas corpus and application for carta de ciudadanía).

In habeas corpus, the applicant is asked to be recognized as free and a resident. That



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Channel Guide (Updated Version) To make it easier fo...

Mostrar original

**Why is this strategy so effective?**

While in dictatorships and monarchies citizenship is granted by the head of state (president or monarch), in the United States by a judge, in Argentina citizenship is granted by law . This law gives freedom and requires only reaching the age that determines civil capacity and applying to the court, which implies the acceptance of the gift of citizenship by an informal citizen of Argentina without documents. One of the most important privileges of citizens, documented or not, is that they cannot be deported.



26



6

7,4K editado 8:58 AM



67 comentarios



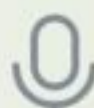
4 de abril de 2023

**Гражданство Аргентина: адвокат Кристиан Р...
Channel Guide (Updated Version)**

To make it easier for you to find information on citizenship in Argentina, we have updated the guide to the most important articles in the channel:

Frequently asked questions about

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Mensaje fijado #1

My name is Christian Rubilar , I am a professional law...

[Mostrar original](#)

wrote more about this case in this publication.

Cases where there are unappealed deportation or arrest orders can also be won: all my Chinese clients have been in this situation. However, such processes are slower: instead of 30 months, we will be talking about 4-5 years.



25



3

6,3K editado 8:58 AM

[Dejar un comentario](#)

What to do if you receive a deportation order?

Part 2

What is interesting about this strategy is that the Supreme Court ruled in 2009 that legal residence is not a requirement for citizenship and that once a citizenship letter is requested, only citizenship rules, not immigration rules, should apply.

Common questions: Is this strategy crazy and have I ever won a case this way? I [have won 262 cases for people](#), 90% of which were deportation orders and deportation arrest warrants.



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Гражданство Аргентина: адвокат Кристиан Р...

4 Statuses of a Person in Argentina

Part 1.1

Although I have already written about the status of a person during the citizenship process, questions about status, "legality" and "illegality" continue to come in constantly. In this text, we will look at the history of a person's status in Argentina and try to understand this difficult issue a little more deeply.

Civil rights and status

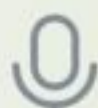
Whenever we talk about citizenship and the status of a person, we talk about the relationship between freedoms (the rights of a citizen) and unfreedoms (slave, enslaved person, without any rights). In the Argentine legal system, we can distinguish 4 statuses or types of citizenship that coexist in a contradictory, conflicting and overlapping manner:

1. Documented first class citizenship with political rights (Argentine citizenship)

2. Second class citizenship without



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**Mensaje fijado #2**

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[Mostrar original](#)

documents and without political rights
(resident)

3. Documented citizenship of the third class,
controlled by the immigration police
(residence permit of any kind)

4. Citizenship of the fourth class, where the
right to life is respected (tourist).

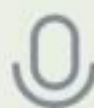
Illegal status

Just as in the Middle Ages the concept of
citizenship recognized intermediate levels,
so too did slavery, which recognized
intermediate (precarious, temporary and
permanent) and absolute (illegal) states.

The concept of "illegal" comes to us from
Roman law, which in the Theodosian Code
(colonial law) outlawed all religions except
the official one. In the Middle Ages,
Christians were considered "illegal
residents" in Muslim states, and Muslims in
Christian states. "Legal" migration in those
distant times meant converting to the faith
of one country or another. To become a
citizen of a country during the times of
Tsarist Russia, it was also necessary to
convert to Orthodoxy.



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unconstitutional.

Finally, continuous residence is a requirement of the slave law, which also contradicts Satya 14 of the Tax Code, which establishes the right of exit and re-entry, which is interpreted as a deviation from legal residence. Therefore, there is no reason to panic. In my 16 years of practice, such changes are not the first time and all my previous experience has prepared me for such legislative storms.

Telegram

Гражданство Аргентина: адвокат Кристиан Рубилар

Почему требование 2-х летнем "легальном" проживании является незаконным?

Часть 1

В русскоязычных чатах и группах продолжаю встречать вопросы: "Сколько нужно прожить легально в Аргентине перед тем, как подавать документы на гражданство?". Сразу же кто-нибудь из участников отвечает: "Нужно прожить 2 года легально/ с ВНЖ".

...

VER MENSAJE



26



23



17



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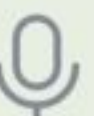


ME

97 comentarios



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[Mensaje fijado #2](#)

Channel Guide (Updated Version) To make it easier fo...

[Mostrar original](#)

with the help of habeas corpus that 6 pregnant Russian women arrested at Ezeiza airport were released.

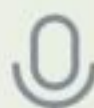
Unifying citizenship

In the history of colonization, Argentina and Russia faced similar problems at about the same time (1860s). Both countries had vast uninhabited territories that were in dispute over sovereignty with other countries or savage peoples. Both countries sought rapid economic growth by aggressively encouraging large-scale immigration.

Tsar Alexander II abolished serfdom, which tied peasants to the land, because his plan was to colonize Asia with Slavic peasants, whom he considered loyal to the government. To this end, in 1864 he issued a decree creating a single citizenship without political rights, which abolished all intermediate statuses. Nowadays, we call these statuses temporary and permanent residence permits. At the same time, Argentina's unified citizenship without documents was called "habitante" in Article 14 of the 1860 Constitution, which is still in force today.



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It is impossible to be in an "illegal" status in Argentina, since Argentina is a secular country and guarantees freedom of religion in Article 20 of the Constitution (CA). Article 15 of the CA allows you to enter the country in any way, since it proclaims that every person who sets foot on Argentine soil is free. Article 14 of the CA guarantees the right of residents to enter, stay, leave and return to Argentine territory. This is why Article 20 of the Constitution allows for first category citizenship without legal (religious) requirements.

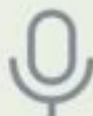
Why is it important to appeal a deportation order?

The explanation is this: slavery was abolished by the Somerset precedent of the British Supreme Court. In this precedent, the judges found that a runaway slave, whom they called an "irregular," was free because a deportation order was not enough to arrest him.

Therefore, since then, the administrative order of deportation must be approved by a judge, and the person with the status of "irregular" can file habeas corpus. Habeas corpus is a judicial remedy that applies only



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Argentine territory, he/she is recognized with the same civil rights as those born in the country. The adoption of this decision led to the rapid economic growth of Argentina.

However, because Argentina's growth was interrupted by two world wars, it still retains provisions encouraging immigration that were repealed in Russia in 1905 and the United States in 1926. Argentina still lacks 100 million immigrants.

Continuation of the topic in the next publication



17



14



1

6,9K editado 9:09 AM



4 comentarios



14 de mayo de 2023

Гражданство Аргентина: адвокат Кристиан Р... Fraudsters and falsification of citizenship cases

A few days ago, a message appeared in the channel's chat from a person who doubted the license of his lawyer Dr. Aldo Marcelo Luna and the authenticity of the document he had received from him about the start of a citizenship case.

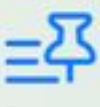


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Mensaje fijado #2

Channel Guide (Updated Version) To make it easier fo...  [Mostrar original](#)

The confusion is created by the fact that this is citizenship without documents.



15



8



2

 7K editado 9:09 AM[7 comentarios](#)

4 Statuses of a Person in Argentina

Part 1.2

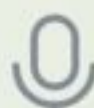
In 1860, the type of citizenship could be determined by clothing, profession or religion, since passports did not confirm citizenship, but were used to avoid migration within the country (internal passports) and outside it (international passports).

By granting citizenship rights to foreigners, the Tsar attracted a large number of German settlers. It was assumed that their labor would replace that of the freed peasants. He resettled the latter in the border areas, and also attracted a large number of industrial workers and achieved rapid economic and demographic growth.

Article 25 of the AC establishes that European immigration cannot be restricted in any way. Once a foreigner sets foot on



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Channel Guide (Updated Version) To make it easier fo...

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A foreigner who has previously entered Argentina as an immigrant and has resided and worked in the country for many years is a resident. [...] The Migration Service does not have the right to prohibit such a person from entering the country after that person has been outside the country for some time.

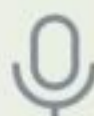
The Supreme Court also ruled that what distinguishes a resident from a foreigner is the *animus de permanencia* (intent to remain in the country). Your intent is assessed by:

- objective criteria: time of residence in the country, birth of a child
- and subjective: it is important to declare your resident status and intention to stay in Argentina, including at immigration control. When you enter for the first time, you say that you are immigrating to Argentina. When you return from a trip, you say: I am returning because I live here.

For the citizenship application to be successful, it is important to reside in Argentina. Residing means being in the country **for at least 7 months a year**. The



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Гражданство Аргентина: адвокат Кристиан Р... What will help in obtaining citizenship?

I am often asked the question, "What can I do to increase my chances of success in my citizenship case?" The obvious answer is to not commit crimes, as any criminal liability negatively affects the consideration of the citizenship case by the court. But there are other factors.

To be a resident in Argentina. The word "resident" /habitante is one of the key words in the Constitution and includes all people who live in Argentina with the intention of establishing themselves there (ánimo de arraigo).

What distinguishes a resident from an alien/immigrant and when does an alien/immigrant become a resident?

During World War II in 1944, there were legal debates in Argentina about the legality/illegality of repatriating deserters and the ban on entry for foreigners living in Argentina. The Supreme Court, in its habeas corpus decisions for these people, ruled as follows:



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estate is additional proof of your intention to live and "put down roots" in Argentina and become a citizen of this country.

By bienes muebles con situación permanente we mean property that belongs to a person and that their owner does not plan to move, including transporting abroad. For example, if you leave Argentina for a while and leave things in a storage room, then the receipt from this storage room serves as proof of your intention to return to Argentina and continue living on its territory.

Buying a car. Even though a car/motorcycle is property, I would not recommend you to make this purchase if you have not resolved the issue with your Argentine license.

With an international license in Argentina, you can only drive for the first six months, after which your international license is no longer valid. Driving without a valid license is a criminal offense in Argentina.

(continued in the first comment)



43



12

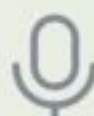
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39 comentarios

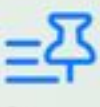


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Mensaje fijado #2

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more you are in the country, the better, as this way you confirm your animus de permanencia and meet the objective criterion of residence time.

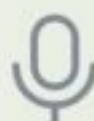
Buying property in Argentina. Argentina is not one of the countries where buying property gives the right to obtain "faster/simplified" citizenship. However, if we go back to the Supreme Court decisions of 1944, we find the following:

A foreigner [...] who has resided in the country and left its territory may be considered a "resident" protected by the Constitution if he demonstrates his animus de permanencia and can prove it, for example, through real estate or other assets (bienes muebles con situación permanente).

The possibility of obtaining citizenship for foreigners in Argentina is a process of assimilation and inclusion of foreigners in the life of the country. In Argentine jurisprudence, there is a concept of el hombre-planta (the plant man): a foreigner who comes to Argentina with the intention of living there, "puts down roots" in it. One of the terms for real estate in Spanish is bienes raíces (property-roots). Having real estate is additional proof of your intention to



Difusión





Mensaje fijado

Opening of the website citizenship-argentina.rf Now...



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It usually takes many years for the Courts' doctrine to change. But my strategy is to make similar claims in 300 cases. This creates a real-time debate with the Appellate Division judges, where the conversation jumps from one case to another. This leads to very rapid progress in creating new precedents, because I respond to a ruling from yesterday in another case today, and the judges respond to me in a third case next week. Now on to the criticism that reaches me via the Internet.

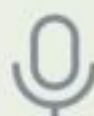
CRITICISM 1: "There are no court decisions explicitly recognizing the right of Russians to apply for citizenship before 2 years in the country or before the birth of a child"

Argentina has no national or racial restrictions for obtaining citizenship (however, remember that these restrictions are implicit in the legislation for residence permits). Therefore, once a leading precedent has been established, it applies to all cases, regardless of the applicant's citizenship.

The rest of the article can be read in [this pdf file](#). I decided to publish the text in such a



Difusión



**Mensaje fijado**Opening of the website citizenship-argentina.rf Now...  [Mostrar original](#)**Гражданство Аргентина: адвокат Кристиан Р...****Starting a citizenship case before 2 years in the country or before the birth of a child in Argentina. Responses to criticism**

Many people, including some lawyers, have criticized me for applying for citizenship for my clients without first obtaining a residence permit, without having spent 2 years in the country or without having a child, without a monotributo, etc. To support their criticism, they cited the cases of some of my clients, so I thought it would be appropriate to write an article on this topic.

There are two possible approaches to the legal process for obtaining a carta de ciudadanía (citizenship certificate/letter). The most common is to adapt to the judge's requirements for the case, based on the unspoken guidelines for such processes. These guidelines were developed during the time of Bismarck in Prussia and their main purpose was to prevent people of Jewish, Polish and Russian origin from acquiring citizenship. Therefore, my position is that judges must obey the Federal Law, which abolishes discrimination based on nationality, race, religion and ideology.



Difusión





Mensaje fijado

Opening of the website citizenship-argentina.rf Now...



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information. Please respectfully refrain from searching for the case file or publishing it.

A detailed analysis of the work on the case can be read in this [pdf file](#).

Telegram

Гражданство Аргентина: адвокат Кристиан Рубилар

Начало дела о гражданстве до 2-х лет в стране или до рождения ребёнка в Аргентине. Ответы на критику

Многие люди, в том числе и некоторые юристы, критикуют меня за подачу заявления на получение гражданства для моих клиентов без предварительного оформления ВНЖ, без предшествующих 2 лет в стране или без рождения ребенка, без монотрибуто и т. д. Для подкрепления критики они процитировали дела некоторых из моих клиентов, поэтому м...

[VER MENSAJE](#)


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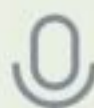

[26 comentarios](#)


9 de noviembre de 2023

Гражданство Аргентина: адвокат Кристиан Р...
 Court decision on the legality of applying for citizenship before the child is born and up to 2 years in the country



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way as to attach excerpts from precedents and more clearly explain the general principles of my business strategy.



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16



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6,6K 9:46 AM



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9 de octubre de 2023

Гражданство Аргентина: адвокат Кристиан Р...

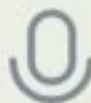
Analysis of a successful client's case with an application for citizenship before the birth of a child

In [the previous article](#) I explained in detail how I have developed a legal strategy in citizenship cases over the past year. I also mentioned that this strategy will soon yield results in cases of Russian, Belarusian and Ukrainian women who gave birth to children in Argentina. In the future, this strategy will also work in cases of clients who did not give birth to children in Argentina, but in these cases you will still need to wait for 2 years of residence in the country.

Last week, [the first court decision was issued](#) in a case involving the birth of a child of one of my clients. With the client's consent, I will comment on her case in this article, but without disclosing any personal



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years. The Chamber overturned this decision and found that the Argentine regime is based on the principle of ius soli. The Prosecutor's Office and the Appellate Chamber ruled that the birth of a child shortens the period for OBTAINING citizenship. However, the birth of a child does not cancel residence in the country (the 7-month rule). It was also implicitly recognized that 2 years in the country are a requirement for OBTAINING citizenship for all those who did not have a child in Argentina.

Quotes from the decisions of the prosecutor's office and the appellate court can be found in [the file](#)



28



20

5,3K editado 7:40 AM



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13 de noviembre de 2023

My turn approaches 21:43

Guy went to ask for advice 21:47

Coming back 21:48

All good! 21:48

Asked my address and stamped me 90 days 21:49

Sure, I already chat with the Federal Judge by Whatsapp

21:53 ✓✓

Welcome back!

21:53 ✓✓

Thanks for having my back! 22:11



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Гражданство Аргентина: адвокат Кристиан Р...

Court decision on the legality of applying for citizenship before the child is born and up to 2 years in the country

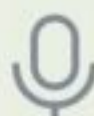
As some lawyers have written before, people from Russian-language chats and Russian lawyers who are my clients often raise the following criticism of my strategy for handling citizenship cases: there are no specific court decisions regarding Russians that would recognize the right to apply for citizenship before the birth of a child in Argentina or before the child is 2 years old in the country.

Firstly, this criticism overlooks the fact that Argentine law operates on the principle of *ius soli* (the right to citizenship by place of birth or place of residence), and not *ius sanguinis* (the right to citizenship by nationality). Secondly, there is now such a decision by the appellate court and the prosecutor's office regarding a Russian citizen.

Case situation. My client from the Russian Federation applied for citizenship during her pregnancy. The judge rejected the request because she had not lived in Argentina for 2 years. The Chamber overturned this



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While the right of Argentine citizenship is based on the principle of ius soli (place of residence). This means that ius sanguinis has a racial basis and migration law gives more advantages to the "Latin race", that is, citizens of Mercosur. Therefore, for people from other countries, including Russia, Belarus and Ukraine, turning to migration law is a mistake. The right of ius soli, in turn, is based on the place of residence of a person. Nationality, race, religion or ideology are not important to anyone.

Since law originated from religious rituals, even today, for law to work, it is important to use the "magic" and correct words:

- **when you come to Argentina for the first time it is important to say: I am moving to Argentina**

- **when are you coming back: I live in Argentina and I'm coming back**

In [this file](#) you can see the decision



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What to say when entering Argentina to be allowed into the country

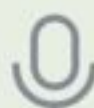
This month, many of my clients are returning to Argentina, and all of them had previously stayed in the country for more than 90 days, as stipulated by the bilateral visa agreement with Russia. However, none of them had problems with immigration control. Why?

Argentina is an independent country and therefore does not need Russia to approve the naturalization of Russian citizens in Argentina. This is in line with the National Security Doctrine.

Migration law is always a law based on *ius sanguinis* (nationality or race).



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Гражданство Аргентина: адвокат Кристиан Р...

What to do to avoid being detained at the airport in Argentina

IMPORTANT! If you are delayed at the airport, call me: [+54 9 11 3296-6249](tel:+5491132966249)

10 rules to follow:

1) **Arrive strictly from Monday to Wednesday** (this rule is relevant not only for Argentina). Check that these days do not fall on public holidays. You can check the calendar of public holidays and weekends [at this link](#).

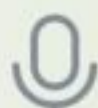
You CANNOT fly in on Thursday, Friday, Saturday, Sunday, public holidays, or court vacations (all of January and the last two weeks of July). If the immigration service detains you on these days, you can only appeal this in court. Courts are closed on weekends, and you risk spending 5 or more days at the airport while your case goes through all the courts.

If you don't believe me, here's an example from personal experience, but with Brazil:

On January 1st, my family and I went on



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on the latest preventive *habeas corpus* , which worked successfully last week. A federal judge called the immigration officers who were doing passport control at the airport. And my client was able to enter the country without any problems.

Continued in the first comment



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7,3K 10:47 AM



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14 de noviembre de 2023

Гражданство Аргентина: адвокат Кристиан Р...
Important announcement

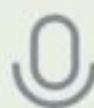
From the evening of 11/14 to 11/22, Daria is on vacation and will check her work email once a day.

If you have an urgent question or if you need advice in English, write directly to Christian ([@rubilarciudadania](#))

If your situation can wait or it is important for you to get a consultation in Russian, write to Daria ([@dashiva88](#)) and she will make an appointment for you next week



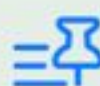
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holiday to Brazil. Despite having all our documents in order, we were kept in a closed area of the airport for the entire day and then deported back to Argentina. Don't make the same mistake I did.

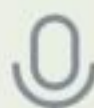
2) Arrive strictly at Ministro Pistarini (Ezeiza) airport, and not at any other airport. Even if a ticket to another airport is cheaper. A miser pays twice: what you save on a ticket will not cover the costs of a lawyer and the stress of being arrested by the immigration service.

3) You must have a return ticket that complies with the visa-free agreement between Argentina and your country. Especially if you have not started the citizenship process in Argentina or you do not have a residence permit. For example, for Russians this period is 90 days and your ticket must fit into this framework so that immigration officials and airline employees can put a tick that is reassuring for them and do not create unnecessary problems for you.

4) At migration control, you must say that you are moving to Argentina. This point usually causes the most doubts, I wrote



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days in court to prove this mistake.

7) **To be on the safe side, prepare a certificate of no criminal record with an apostille.** This will dispel suspicions that you are a criminal and therefore can be deported.

8) **Don't hide information from immigration officials.** If you are pregnant, you don't need to hide it.

9) **Be as polite and calm as possible.** If the migration service does detain you, do not be rude, sort things out, or picket. Instead, contact a lawyer as soon as possible.

10) **Contact the press only when your lawyer approves this decision.** This is necessary so that the press does not contradict the arguments that defend you in court.

If you do not comply with these rules, your rights to enter Argentina will be very difficult to defend in court.

[Argentina.gob.ar](https://www.argentina.gob.ar)

Feridos nacionales 2024

Feridos nacionales de la República

Argentina en 2024



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about it in detail [here](#). Now I will repeat briefly: in Argentina, the migration service has every authority to refuse entry to a tourist, accuse such a person of fraud and hang on him the legal category of "fake tourist". In this case, your rights in court will be very difficult to protect. If you say that you are moving to Argentina, then the migration service has no authority to not let you in. And even if a controversial situation arises with your entry, your rights in court will be easier to protect.

You can read **more about the 4 statuses of a person in Argentina** [here](#)

5) Prepare a reservation for accommodation, at least for the first time.

6) It is essential to have cash in dollars or euros, at least a few thousand. If the immigration officer asks you about money, show him the cash you are carrying. Unfortunately, in court cases the immigration service tends to lie and claim that the person did not have enough money: the person brought 3,000 dollars with him, and the immigration service recorded it as 300 pesos. Absurd? But alas, it is true, and then you will have to spend several hours or



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Let's imagine the worst possible scenario: this project becomes a law. What will happen:

1) It will be impossible to submit an application without a lawyer if you have not had continuous residence in the country with permanent residence for the previous 2 years;

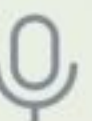
2) all false gurus and helpers whose only merit is the ability to speak Russian will be left without work;

3) For my practice, this bill will not make much of a difference, as I will only have to raise the unconstitutionality of the new law to get the case heard. Given that this new law will be the same as 1954 Statute 14.354, my strategy will be to raise unconstitutionality in federal courts across the country. Enough to get a finding of unconstitutionality to keep the door open.

Now, why would this law be unconstitutional? In order to pass Law 14.354, the Constitution had to be radically changed in 1949, from the civil French model to the military German model. The prohibition on human trafficking in Article 15 of the NC (National Constitution) was



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158 comentarios



28 de junio

Гражданство Аргентина: адвокат Кристиан Р...

Bill to Amend Argentina's Citizenship Law

Far-right Senator Miguel Angel Pichetto has introduced a bill to amend Nationality Law 346, which would require two previous years of continuous permanent residence in Argentina (effectively meaning a ban on leaving the country) and remove the benefits of obtaining citizenship by birth. *The text of the bill is in the first comment.*

How will this affect those who have already applied for citizenship? It does not affect them. Even if the bill comes into force, it does not apply to cases that have already been started.

When the previous similar decree, [DNU 70/2017](#), was issued, more than 120 cases of unconstitutionality were found and proven. In the new bill, I have already found more than 170 cases of its inapplicability.



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of the NC (National Constitution) was eliminated. Deportation and immigration are terms from the "import" and "export" contracts that we find in the Law on the Sale of Slaves of Roman law. In addition, Article 15 of the NC establishes the right to immediate citizenship without legal residence upon entering the native land, which is called the Christian doctrine of immediate emancipation.

While the 2 years of permanent legal residence refers to the "Ottoman" system in effect until 1856 and is essentially a requirement for compulsory conversion. This brings us to the third unconstitutionality: Article 20 of the NK, which was repealed in 1949, establishes freedom of religion and that citizenship cannot be imposed by prohibiting forced conversion.

The third invalidity of the bill is related to the fact that the Supreme Court of Argentina has already stated that Law 346 and Article 20 of the Tax Code say the same thing: 2 years of residence in the country are important for obtaining citizenship, therefore. If Law 346 is amended and says something different, it is automatically



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