

Decree of Necessity and Urgency that provides for the extension until April 12, 2020 inclusive of the prohibition of entry into the national territory of foreign persons not resident in the country

NATIONAL DECREE 331/2020
FEDERAL CAPITAL, April 1, 2020
Official Gazette, April 1, 2020
Current, general in scope
SAIJ Id: DN20200000331

Summary

decree of necessity and urgency, foreigners, non-resident foreigners, entry into the country, extension of the term, administrative law, civil law

By Decree of Necessity and Urgency, the extension until April 12, 2020 is included, including the prohibition of entry into the national territory of foreign persons not resident in the country

Viewed

File No. EX-2020-20204271-APN-SECRE # MREs, the [Law No. 27,541](#), the [Decrees Nos. 260 of March 12, 2020](#) and its amendment, [274 of March 16, 2020](#) , [297 of March 19, 2020](#) , [313 of March 26, 2020](#), Resolution No. 567 of March 14, 2020 of the MINISTRY OF HEALTH , Resolution No. 62 of March 28, 2020 of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP, and

Considering

That by [Decree No. 260/20](#) the public health emergency established by [Law No. 27,541](#) was extended for a period of ONE (1) year , pursuant to the pandemic declared by the WORLD HEALTH ORGANIZATION (WHO) in relation to the coronavirus COVID-19.

That, also, by Resolution No. 567/20 of the MINISTRY OF HEALTH, the prohibition of entry to the country, for a period of THIRTY (30) days, of foreign non-residents who had transited through "affected areas" in FOURTEEN (14) days prior to arrival.

That, in turn, by [article 1 of Decree No. 274/20](#) the prohibition of entry into the national territory was established, for a period of FIFTEEN (15) calendar days, of foreign persons not resident in the country, through PORTS, AIRPORTS, INTERNATIONAL STEPS, BORDER CENTERS and any other access point, in order to reduce the possibility of contagion.

That, on the other hand, by [Decree No. 297/20](#) , "social, preventive and compulsory isolation" was established for all persons who live in the country or are in it temporarily, with the aim of protecting health public as an inalienable obligation of the national State, to be in force from March 20 to March 31.

That taking into account the evolution of the pandemic in the country and globally, it is considered necessary to

extend the terms established in Decree No. 274/20, in order to minimize the entry into the national territory of possible vectors of contagion.

That the extension of the term referred to in the preceding recital is essential, reasonable and proportionate in relation to the threat and health risk facing the country and is part of the set of measures and actions that the National State has carried out in order to contain the spread of the coronavirus COVID-19, being consistent with the limitations established by other countries.

That, for its part, [Decree No. 313/20](#) expanded the scope of the prohibition of entry into the national territory through PORTS, AIRPORTS, INTERNATIONAL STEPS, BORDER CENTERS and any other access point, provided by Decree No. 274/20, to people residing in the country and to Argentines and Argentines with residence abroad, until March 31, inclusive, of the current year.

That, in addition to safeguarding the health of the population, the measure adopted through the decree mentioned in the preceding recital had the objective of generating the necessary conditions in PORTS, AIRPORTS, INTERNATIONAL STEPS, BORDER CENTERS and other access points to the country, in terms of infrastructure and health care, to receive those who are still abroad and who must make the transit to their home or carry out isolation at the place where they arrive, under the guidelines established by the national health authority.

That in this instance and taking into account the current situation, it is necessary that the competent areas in the matter of the National State proceed to determine the safe corridors in order to guarantee the entry into the national territory of those people who were temporarily prevented from do so by virtue of the provisions of Decree No. 313/20.

That within the framework of the provisions of Decree No. 313/20, through the Resolution of the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP No. 62/20, the "PROGRAM OF ASSISTANCE FOR ARGENTINES ABROAD IN THE FRAMEWORK OF THE CORONAVIRUS PANDEMIC", in order to provide assistance to Argentine nationals or residents in the country who could not enter the national territory by virtue of the provisions of article 1 of the aforementioned decree, through the Argentine representations in abroad and until they can return to the ARGENTINE REPUBLIC.

That, consequently, it is necessary to instruct the MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL TRADE AND WORSHIP to proceed to extend the validity of the aforementioned program until the persons included in Article 1 of Decree No. 313 enter the national territory / 20 through the secure brokers established within the framework of this measure.

That the evolution of the epidemiological situation requires that rapid, effective and urgent measures be adopted, making it impossible to follow the ordinary procedures for the enactment of laws.

Que la [Ley N° 26.122](#) regula el trámite y los alcances de la intervención del HONORABLE CONGRESO DE LA NACIÓN respecto de los Decretos de Necesidad y Urgencia dictados por el PODER EJECUTIVO NACIONAL, en virtud de lo dispuesto por el [artículo 99 inciso 3 de la CONSTITUCIÓN NACIONAL](#). Que la citada ley determina que la COMISIÓN BICAMERAL PERMANENTE tiene competencia para pronunciarse respecto de la validez o invalidez de los Decretos de Necesidad y Urgencia, así como para elevar el dictamen al plenario de cada Cámara para su expreso tratamiento, en el plazo de DIEZ (10) días hábiles.

Que el [artículo 22 de la Ley N° 26.122](#) dispone que las Cámaras se pronuncien mediante sendas resoluciones, y que el rechazo o aprobación de los decretos deberá ser expreso conforme lo establecido en el [artículo 82 de la](#)

[Carta Magna](#). Que han tomado intervención los servicios jurídicos pertinentes.

Que la presente medida se dicta en uso de las atribuciones conferidas por el artículo 99 incisos 1 y 3 de la CONSTITUCIÓN NACIONAL.

Por ello,

ARTÍCULO 1°. - Prorrógase el plazo establecido por el [artículo 1° del Decreto N° 274/20](#) hasta el día 12 de abril de 2020, inclusive.

ARTÍCULO 2°.- Instrúyese al MINISTERIO DE RELACIONES EXTERIORES, COMERCIO INTERNACIONAL Y CULTO, al MINISTERIO DEL INTERIOR, a la DIRECCIÓN NACIONAL DE MIGRACIONES, organismo descentralizado actuante en la órbita de la SECRETARÍA DE INTERIOR del MINISTERIO DEL INTERIOR, al MINISTERIO DE SALUD, al MINISTERIO DE SEGURIDAD, al MINISTERIO DE TRANSPORTE y a la ADMINISTRACIÓN NACIONAL DE AVIACIÓN CIVIL, organismo descentralizado actuante en la órbita del MINISTERIO DE TRANSPORTE, con el fin de que procedan a establecer los cronogramas pertinentes y a coordinar las acciones necesarias para posibilitar el ingreso paulatino al territorio nacional de las personas residentes en el país y de los argentinos y argentinas con residencia en el exterior que no hayan podido hacerlo durante la vigencia del [Decreto N° 313/20](#). A tal fin determinarán los corredores seguros aéreos, fluviales, marítimos y terrestres que reúnan las mejores condiciones sanitarias y de seguridad, en el marco de la pandemia de COVID-19, prestando especial atención a las personas pertenecientes a grupos de riesgo, conforme lo define la autoridad sanitaria.

ARTÍCULO 3°.- Instrúyese al MINISTERIO DE RELACIONES EXTERIORES, COMERCIO INTERNACIONAL Y CULTO a prorrogar la vigencia del "PROGRAMA DE ASISTENCIA DE ARGENTINOS EN EL EXTERIOR EN EL MARCO DE LA PANDEMIA DE CORONAVIRUS" hasta tanto ingresen al territorio nacional las personas que se encontraban comprendidas en el [artículo 1° del Decreto N° 313/20](#) a través de los corredores seguros que se establezcan en el marco de la presente medida.

ARTICLE 4. - This measure will come into effect on the day of its publication in the OFFICIAL BULLETIN.

ARTICLE 5 .- Give notice to the Permanent Bicameral Commission of the HONORABLE CONGRESS OF THE NATION.

ARTICLE 6 .- Communicate, publish, give yourself to the NATIONAL ADDRESS OF THE OFFICIAL REGISTRY and file.

Signatories

FERNÁNDEZ-Cafiero-de Pedro-Solá-Rossi-Guzmán-Kulfas-
Basterra-Meoni-Katopodis-Losardo-Frederic-González García-Arroyo-Gómez-Alcorta-Trotta-Bauer-Salvarezza-
Moroni- Cabandie-Lammens-Bielsa