

# PERU

Peru is historically a country of emigrants. By 2012, over 10% of the country's 30 million citizens lived abroad. Almost 80% of Peruvian emigrants are concentrated in five countries: Around 31.5% live in the United States, 16% in Spain, 14.3% in Argentina, 10.3% in Chile, and 9.8% in Italy.<sup>1</sup>

Aware of the relevance of its emigration phenomenon, the country has designed a wide range of policies aiming to link the state with its population abroad. Emigrant policies in Peru include the creation of channels for political participation such as external voting rights and consultative bodies, the development of an administration setting (at home and abroad) capable of designing emigrant policies, and the implementation of investment schemes to attract non-resident capital.

Although Peru has an extensive range of emigrant policies, it lacks policies on some of the policy dimensions analyzed in this book. For instance, although there is evidence of an important political competition abroad conducted by political parties, no explicit regulation of this matter has been found. Moreover, for some policies, such as the *Plan de Política Cultural del Perú en el Exterior*, there are no signs of programs effectively in place.

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## CITIZENSHIP/NATIONALITY

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### DUAL OR MULTIPLE NATIONALITY REGULATION

There are no legal obstacles for holding or acquiring another nationality and this does not result in the loss of Peruvian nationality or citizen rights.<sup>2</sup>

In general terms, native Peruvians must either be born in Peru or born abroad to a Peruvian parent and registered at the nearest Peruvian consulate before turning 18. Nevertheless, this is only valid for the first three generations, as established by the Nationality Law.<sup>3</sup>

### LOSS OF CITIZENSHIP/NATIONALITY

Permanent residence abroad does not lead to loss of nationality. According to the Nationality Law, Peruvians can only lose their nationality by explicitly renouncing it.<sup>4</sup> Even in such cases, former Peruvians who regret renouncing

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1 International Organization for Migration, *Perfil migratorio de Perú 2012*, 29 and 84.

2 Presidente de la República, *Decreto Supremo N° 004-97-IN. Aprueban el reglamento de la Ley de Nacionalidad*, Art. 31 and 33.

3 Congreso de la República del Perú, *Ley N° 26574. Ley de Nacionalidad*, Art. 2, item 3.

4 *Ibid.* Art. 7.

to their nationality can regain it.<sup>5</sup> Nevertheless, Peruvians *by naturalization* can lose their nationality if they are considered to pose a threat to national security or diplomatic relations.<sup>6</sup>

#### DIFFERENT RIGHTS FOR EXTERNAL CITIZENS

Peru is a rare case of dormant citizenship for dual nationals: Individuals with dual nationality exercise the rights and duties valid in their country of residence.<sup>7</sup> Meanwhile, individuals holding only Peruvian citizenship always have the same rights, whether they live abroad or not.

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### SUFFRAGE

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#### VOTING RIGHTS OF NON-RESIDENT CITIZENS

Peruvians abroad can vote for national referenda and general elections.<sup>8</sup>

Voting is compulsory until the age of 70, after which it becomes optional.<sup>9</sup> Non-compliance results in a fine.<sup>10</sup>

#### CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS

Non-resident citizens have the same candidacy rights as residents. This applies for both presidential<sup>11</sup> and national legislative elections.<sup>12</sup>

#### VOTING METHODS AVAILABLE TO NON-RESIDENT CITIZENS

Peruvian emigrants can vote in embassies/consulates<sup>13</sup> or by sending their vote by post to the consulate where they are registered.<sup>14</sup>

#### REGISTRATION FOR FRANCHISE

Registration for franchise is automatic for resident and non-resident citizens. The same conditions apply for both. Non-residents must register in the National Identification Registry.<sup>15</sup> This agency is then responsible for the electoral register.<sup>16</sup>

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5 Ibid. Art. 8.

6 Presidente de la República, *Decreto Supremo N° 004-97-IN. Aprueban el reglamento de la Ley de Nacionalidad*, Art. 12.

7 Congreso de la República del Perú, *Ley N° 26574. Ley de Nacionalidad*, Art. 10.

8 El Congreso Constituyente Democrático, *Ley Orgánica de Elecciones*, Art. 224.

9 El Congreso Constituyente Democrático, *Constitución Política del Perú*, Art. 31.

10 El Congreso Constituyente Democrático, *Ley Orgánica de Elecciones*, Art. 240.

11 El Congreso Constituyente Democrático, *Constitución Política del Perú*, Art. 110.

12 Ibid. Art. 90.

13 El Congreso Constituyente Democrático, *Ley Orgánica de Elecciones*, Art. 226.

14 Ibid. Art. 239.

15 Ibid. Art. 224, 228, and 229.

16 El Congreso Constituyente Democrático, *Constitución Política del Perú*, Art. 183.

### MODE OF REPRESENTATION

Non-resident votes are counted separately from in-country votes and then incorporated into the totals of the district of Lima.<sup>17</sup> However, there is currently a project in the Peruvian Congress to create an external district. By the time of writing this chapter, the project has not been approved.<sup>18</sup>

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### REGULATION OF POLITICAL COMPETITION

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#### PARTY OFFICES IN HOST COUNTRIES

The Law on Political Parties does not mention external party offices.<sup>19</sup> In its statute, the Peruvian Nationalist Party (*Partido Nacionalista Peruano*) explicitly encourages the formation of political committees in foreign countries.<sup>20</sup> Likewise, Popular Force (*Fuerza Popular*), states that party locales can be established anywhere in or outside Peru.<sup>21</sup> Alliance for Progress (*Alianza para el Progreso*) also mentions political committees in foreign countries; its statute even lists the return of Peruvians abroad as one of the party's goals.<sup>22</sup> Finally, the Peru Possible (*Perú Posible*) party designates its National Secretariat for International Relations as responsible for fostering the creation of foreign committees.<sup>23</sup>

In practice, only the Peruvian Nationalist Party has committees in Spain and the United States,<sup>24</sup> though it is hard to say whether these committees are active or not. Their activity is most likely restricted to the electoral period. Political committees from other parties were not found.

Every party represented in the Peruvian Congress is entitled to public funding. There is no specific mention of external party offices. The Law on Political Parties does not reference external offices,<sup>25</sup> suggesting that the money may be distributed as the party may deem fit.

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17 El Congreso Constituyente Democrático, *Ley Orgánica de Elecciones*, Art. 21.

18 El Congreso Constituyente Democrático, *Dictamen de proyectos de ley para la creación del distrito electoral de los peruanos en el exterior*.

19 Congreso de la República del Perú, *Ley N° 28094 - Ley de Partidos Políticos*.

20 Partido Nacionalista Peruano, *Estatuto*, Art. 15.

21 Fuerza Popular, *Estatuto de Fuerza 2011*, Art. 3.

22 Alianza para el Progreso, *Estatuto*, Art. 4, 8- 27e.

23 Perú Posible, *Estatuto*, Art. 58.

24 See, for instance, <https://www.facebook.com/pages/Partido-Nacionalista-Peruano-USA/200868986630484> or <https://www.facebook.com/PNPCPIABL>.

25 Congreso de la República del Perú, *Ley N° 28094 - Ley de Partidos Políticos*, Art. 32.

## POLITICAL CAMPAIGNS

The Law on Political Parties makes no mention of political campaigns abroad.<sup>26</sup>

## MEMBERSHIP

According to their statutes, the two main parties – the Peruvian Nationalist Party and Popular Force – do not restrict the affiliation of non-residents or their candidacy rights for internal posts.<sup>27</sup>

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## INSTITUTIONAL PARTICIPATION

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### CONSULTATIVE BODIES AT NATIONAL LEVEL

The Consultative Councils of Peruvian Communities Abroad (*Consejos de Consulta de las Comunidades Peruanas en el Exterior*) constitute consultative bodies for emigrant representation acting at the national level. This consultative body was created in 2010 to strengthen the dialogue between consulates and citizens living within their respective jurisdictions.<sup>28</sup> The consultation of this body is structural: Its members must meet with the head of consular affairs at least once a month.<sup>29</sup> Members are elected by emigrants, during elections organized every September by the head of consular affairs.<sup>30</sup> Though the consultative body works closely with the local head of consular affairs, it is effectively chaired by the participants themselves. The councils are neither extensions of the Peruvian state, nor of any consular office, yet they do have the task of supporting the tasks of legal protection and assistance to Peruvians abroad.<sup>31</sup>

The consultative bodies are decentralized; every consular jurisdiction has one of its own and no general meetings are envisioned. The number of members per council depends on how many Peruvians are registered under one particular jurisdiction: In jurisdictions with less than 5,000 registered Peruvians, the consultative body has 3 members; in jurisdictions with 5,000 to 20,000 registered citizens, the consultative body has 5 members; in jurisdictions with over 20,000 registered citizens, the consultative body is comprised

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26 Ibid.

27 Partido Nacionalista Peruano, *Estatuto* Art. 33, 44; Fuerza Popular, *Estatuto de Fuerza 2011*, Art. 6, 72.

28 El Congreso Constituyente Democrático, *Ley de los Consejos de Consulta de las Comunidades Peruanas en el Exterior*.

29 Presidente de la República, *Decreto Supremo N° 057-2010-RE. Aprueban reglamento de la Ley de los Consejos de Consulta de las Comunidades Peruanas en el Exterior*, Art. 26.

30 Ibid. Art. 13.

31 Ibid. Art. 8; El Congreso Constituyente Democrático, *Ley de los Consejos de Consulta de las Comunidades Peruanas en el Exterior*, Art. 4.

of 9 representatives.<sup>32</sup> These multiple *Consejos de Consulta* may establish independent working groups, but only with the consent of the head of consular affairs.<sup>33</sup> The consultative body must refrain from addressing any issues other than those it was created for and does not have the right to get a response from national authorities to its advice or recommendations.<sup>34</sup>

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## ADMINISTRATION

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### CONSULATES

As of 2015, Peru's diplomatic network consisted of 234 consulates and 58 embassies in 58 countries.<sup>35</sup>

Consulates do not offer any legal or psychological consultancy.<sup>36</sup> However, financial consultancy is provided: As examples, the consulate in Madrid organizes the *Negocios en Perú* program and the consulate in the Netherlands runs a training program called *Capacitación para la Constitución de Empresas* for Peruvian emigrants in that country. In Japan, a country with which Peru shares an important history of migration, Peruvian consulates provide non-traditional services such as: *Registro de Estudiantes Peruanos en Japón*, *Biblioteca Virtual de Tesis de Peruanos en Japón*, and *Voluntariado de Estudiantes*. Moreover, since 2012, the embassy of Peru in Japan carries out charitable activities for scholarships to finance Peruvian students in Japanese schools with Peruvian curricula.<sup>37</sup>

Peru also offers online consular services, as well as mobile consulates, weekend working hours on a regular basis, and special health services in the format of *Ventanillas de Salud*.<sup>38</sup>

### HOME COUNTRY ADMINISTRATION

In Peru, the General Directorate of Peruvian Communities Abroad and Consular Affairs represents the government in emigrant issues. It is an executive

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32 Ibid. Art. 18.

33 Ibid. Art. 28.

34 Ibid. Art. 10.

35 Ministerio de Relaciones Exteriores del Perú, "Consulados de Perú en el mundo"; Ministerio de Relaciones Exteriores del Perú, "Embajadas Del Perú en el mundo."

36 Ministerio de Relaciones Exteriores del Perú, "Servicios al ciudadano del Ministerio de Relaciones Exteriores del Perú."

37 Peruanos en el Exterior, "Primer conversatorio de estudiantes peruanos en Japón."

38 Consulado General del Perú en Boston, "Datos del Consulado General del Perú en Boston. Ventanilla de salud"; Consulado General del Perú en Ginebra, "Servicios en línea"; Consulado General del Perú en Miami, "Oficinas móviles del Consulado General del Perú en Miami"; Consulado General del Perú en Atlanta, "Sábados consulares 2015."

unit at the third rank of Peruvian public administration that addresses consular issues, international migrations, and the protection and assistance of Peruvians abroad.<sup>39</sup>

This department directly depends on the Vice-Ministry of Foreign Affairs and is subdivided into a Directorate of Consular Policy and a Directorate for Protection and Assistance to Nationals.<sup>40</sup>

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## ECONOMIC POLICIES

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### REMITTANCES

There is no official government strategy to *attract* remittances, only to *invest* them. Likewise, no special banking channels have been opened as a result of state intervention, possibly because 94-96% of all remittances are paid in cash. After all, only a small number of Peruvians have access to a bank account.<sup>41</sup>

### INVESTMENT

*Concurso Emprende con Remesas*, an ad-hoc strategy promoted by the Ministry of Labor, targets Peruvian returnees who want to invest their savings or Peruvian families who want to invest the remittances received from their emigrant relatives. The program assists the development and implementation of 200 business plans by offering additional funding and technical assistance. It is part of a broader plan, the *Plan de Actuación para la Promoción del Autoempleo Productivo para Retornantes y Familiares Peruanos en el Exterior*.<sup>42</sup>

*Fondo MiVivienda*, administered by the Ministry of Housing, Construction, and Sanitation, was not originally created with emigrants in mind. Nevertheless, it was expanded to offer credit for non-residents interested in buying real estate in Peru. The main advantage is that emigrants no longer need relatives in Peru and can now purchase a house directly and obtain a mortgage in their name.<sup>43</sup>

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39 El Presidente de la República del Perú, *Reglamento de organización y funciones del Ministerio de Relaciones Exteriores*, Arts. 115-121.

40 Ministerio de Relaciones Exteriores del Perú, “Organigrama principal del Ministerio de Relaciones Exteriores.”

41 Banco Interamericano de Desarrollo, “Programa de mejora de la información y procedimientos de los bancos centrales en el área de remesas - Perú,” 32.

42 Ministerio de Trabajo y Promoción del Empleo, “Bases del concurso de planes de negocio ‘Emprende con remesas’”; Ministerio de Trabajo y Promoción del Empleo, “Nota de Prensa: Concurso emprende con remesas recibirá planes de negocio hasta el 6 de diciembre”; Ministerio de Trabajo y Promoción del Empleo, *Resolución Directoral N° 01-2013-MTPE/3/17. Plan de actuación para la promoción del autoempleo productivo para retornantes y familiares de peruanos en el exterior*.

43 Gustavo González de Otoya, “Peruanos residentes en el exterior - Carta fondo Mi-

### **BRAIN-CIRCULATION NETWORKS AND BRAIN-GAIN PROGRAMS**

The Peruvian Fund for Innovation, Science, and Technology (*Fondo para la Innovación, la Ciencia y la Tecnología, FINCYT*) offers sporadic scholarships for Peruvian researchers interested in returning to their country. However, the program has been criticized for its inability to create attractive return conditions, as it offers low funding (USD \$3,000/month) for a maximum of 2 years.<sup>44</sup>

### **RETURN POLICIES**

In order to facilitate the recognition of academic and professional qualifications acquired abroad, Peru has signed the Hague Convention abolishing the Requirement of legalization for Foreign Public Documents. The General Directorate of Consular Policy, under the Ministry of Foreign Affairs, is the competent authority for issuance of certificates.<sup>45</sup> The maximum period of time in which the applications for government recognition of academic and professional qualifications must be resolved is 15 days.<sup>46</sup>

Though no communication campaigns aiming to convince emigrants to return to home country seem to exist, returning emigrants is a big issue in Peru, as evidenced by the large amount of programs and policies that aim to facilitate the re-integration of returnees. The Ministry of Foreign Affairs, along with the president and the Congress make coordinated efforts to assist Peruvians who decide to, or are forced to, return to the country.<sup>47</sup> In 2014, the Ministry of Labor published the Basic Guide for Returning Peruvians (*Guía Básica para el Migrante Laboral*).<sup>48</sup>

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## **OBLIGATIONS**

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### **MILITARY SERVICE, SOCIAL SERVICE, TAXES**

In Peru, military service is not compulsory.<sup>49</sup> However, every Peruvian citizen – male or female – must register at the Military Register after turning 17 and

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Vivienda”; Vanessa Ochoa, “Fondo MiVivienda Entrega Primer Crédito a Migrante.”

44 Roberto Rosado, “Solo 4 científicos fueron repatriados por el estado en el 2013”; Fondo para la Innovación, la Ciencia y la Tecnología (FINCYT), “Concurso para becas de repatriación de investigadores peruanos.”

45 Hague Conference on Private International Law, “Convenio de 5 de octubre de 1961 Suprimiendo la exigencia de legalización de los documentos públicos extranjeros.”

46 SUNEDU, “Requisitos para el reconocimiento de grados académicos y títulos profesionales extranjeros.”

47 Ministerio de Relaciones Exteriores del Perú, “Ley del Retorno Perú.”

48 Ministerio de Trabajo del Perú, “Guía básica para el retornante peruano 2014.”

49 El Presidente de la República del Perú, *Decreto Legislativo que modifica la Ley N° 29248, Ley del Servicio Militar*.

will be drafted in case of need.<sup>50</sup> In any event, military service is not obligatory for individuals living abroad.<sup>51</sup> There is no social service, only a volunteer service.<sup>52</sup>

Peruvian emigrants do not have to pay any taxes in their home country.

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### CULTURAL POLICIES

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In 2003, the *Plan de Política Cultural del Perú en el Exterior* was conceived by the Ministry of Foreign Relations to promote Peruvian gastronomy, music, literature, cinema, and visual arts in foreign countries. The plan intended to create cultural centers to serve as international branches of the *Centro Cultural Inca Garcilaso* (in Lima), with exhibitions, documentation centers, bookshops, restaurants, and handcraft stores.<sup>53</sup> These centers would work in cooperation with the consulates in cities like Bogotá, Buenos Aires, La Paz, Madrid, Quito, and Santiago. Notwithstanding these professed ambitions, no official cultural center existed in any of these cities as of 2015, nor did any cultural promotion offices within consulates. In fact, no aspect of the *Plan de Política Cultural* has been implemented so far. While consulates seem to promote cultural events (such as concerts or film festivals) on an ad hoc basis, these do not target the emigrant community especially<sup>54</sup> and the only actual cultural centers or cultural programs in existence are managed by the Peruvian community.<sup>55</sup>

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### EXIT AND TRANSIT POLICIES

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Peruvian governmental agencies focus on promoting safe transit and legal migration. The Ministry of Labor, for instance, publishes the *Guía Básica para el Migrante Laboral* brochure,<sup>56</sup> offering extensive information on labor rights and administrative procedures for emigrants. The brochure is part of the

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50 Ibid. Art. 2.

51 Ibid. Art. 50.

52 Congreso de la República del Perú, *Ley No. 28238: Ley General del Voluntariado (con modificaciones)*.

53 Ministerio de Relaciones Exteriores, “Plan de política cultural del Perú en el exterior,” 13.

54 See <http://www.embassyofperu.org/es/culture/> and <http://www.botschaft-peru.de/>.

55 See, for instance, <http://centroculturalperu.org/> and <http://ccperu-munich.de/>.

56 Ministerio de Trabajo y Promoción del Empleo, “Guía básica para el migrante laboral”; Ministerio de Trabajo y Promoción del Empleo, “Servicio de Orientación para el Migrante (SOM).”



Orientation Service for Migrants (*Servicio de Orientación para el Migrante*), which includes an online platform to facilitate an eventual return of emigrants.<sup>57</sup> Additionally, the Office of the Ombudsman publishes the *Guía Básica para la Persona Migrante* brochure. The brochure aims to inform present or potential emigrants of their rights. It offers safety recommendations, answers bureaucratic questions, and lists Peruvian authorities that should be contacted in case of emergency. Additionally, one of the chapters centers on illegal migration, warning potential migrants against the risks of human trafficking and border crossing with falsified documentation.<sup>58</sup>

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## SOCIAL POLICIES

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Peru has signed the Multilateral Ibero-American Social Security Agreement,<sup>59</sup> in addition to bilateral social security agreements with several countries.

Moreover, Peru has implemented a very comprehensive education program for emigrants, the *Programa de Educación a Distancia*. This distance learning program offers primary and secondary education for Peruvian emigrants. The curriculum is designed in accordance with the guidelines of the Peruvian Ministry of Education. It is authorized by the Ministry of Foreign Affairs and managed by different education institutions, such as the *Liceo Naval Almirante Guise*, which is present in 28 countries.<sup>60</sup>

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## SYMBOLIC POLICIES

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Peru celebrates the Day of Peruvians Residing Abroad (*Día de los Peruanos que Residen en el Exterior*) on October 18, in order to pay tribute to emigrants.<sup>61</sup> As part of this celebration, Peruvian emigrants are eligible for some awards; the Ministry of Foreign Affairs awards the *Reconocimiento de los peruanos que residen en el exterior* to Peruvians who have succeeded in adapting to the culture of their host country and/or migratory situation.<sup>62</sup> The non-governmental or-

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57 See [http://www.trabajo.gob.pe/migrante/plataforma\\_retorno\\_productivo\\_1.php](http://www.trabajo.gob.pe/migrante/plataforma_retorno_productivo_1.php).

58 Defensoría del Pueblo del Perú, “Guía básica para la persona migrante.”

59 Revista Seguridad Social Activa - Internacional, “El Marco Iberoamericano de Protección Social.”

60 Liceo Naval Almirante Guise, “Presentación: Educación a Distancia.”

61 El Presidente de la República del Perú, *Declaran el 18 de octubre de cada año como “Día de los peruanos que residen en el exterior”*; “Día de los peruanos en el exterior.”

62 Mesa de Trabajo Intersectorial para la Gestión Migratoria, “Premio ‘Reconocimiento de los peruanos que residen en el exterior.’”; “Directiva para el Reconocimiento de los peruanos o peruanas que residen en el exterior.”

ganization *Anna Lindb* presents the *Orgullo Peruano* every year to those who have distinguished themselves in various fields and promoted the image of Peru abroad.<sup>63</sup>

The Peruvian government and emigrant associations in many countries around the world including the United States,<sup>64</sup> Italy,<sup>65</sup> and Chile<sup>66</sup> organize conferences relating to emigrant issues.

During the Peruvian National Holidays (*Fiestas Patrias*), emigrant celebrations are found in many cities around the world.<sup>67</sup>

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63 RPP NOTICIAS, “Premio ‘Orgullo Peruano 2013.’”

64 NuestraGenteDigital.com, “Exitoso forum de peruanos en el exterior.”

65 Peruanos en el Exterior.com, “I Encuentro de empresarios y ejecutivos peruanos en Roma con instituciones del gobierno peruano.”

66 Contigo Perú, “Secretaría de Migrantes: Encuentros.”

67 Peruanos en el Exterior.com, “Peruanos en el exterior celebraron fiestas patrias en diversas ciudades del mundo.”

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