

# IMISEM

EVERY IMMIGRANT IS AN EMIGRANT  
How Migration Policies Shape  
the Paths to Integration

IMISEM CASE REPORT  
Migration Policies in

## Chile

2017-2019

Coordinated by:

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# G I G A

German  Institute for Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien

## Imprint

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“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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## About IMISEM

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” \* two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

## The IMISEM case sample

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

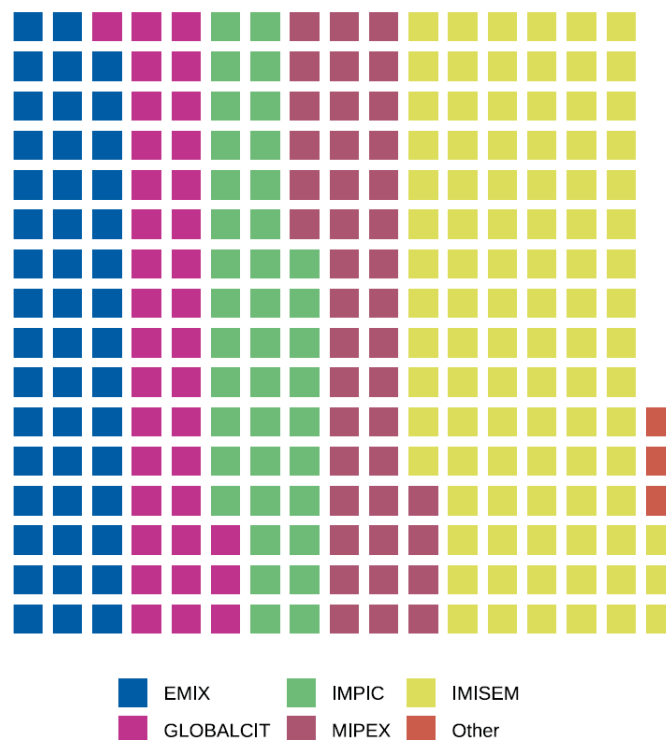
## About the IMISEM Questionnaire

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

## Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

**Answer:** this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

**Code:** this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

**Explanation:** this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

**Sources:** this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

## Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[ ]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

## **Varieties of Standard English**

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

## **Contact**

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: [lpedroza@colmex.mx](mailto:lpedroza@colmex.mx) or find us through our ORCID numbers:

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# 1. Emigration policies

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## 1.1. General

**EMIGRATION\_1. The attempt to leave the country is punishable by law.**

Answer: No

Code: 1

Explanation: No provision in the constitution and main migration law.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

**EMIGRATION\_2: Exit fees.**

**Prospective emigrants need to pay a fee before emigrating.**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Decree 597) and no evidence of such fee in the official website of the Directorate for Chileans Abroad.

Sources: Decreto 597 [Decree 597]. 1984. / Chile Somos Todos. "Chile somos todos. DICOEX. Dirección para chilenos en el exterior [We are all Chile. DICOEX. Directorate for Chileans Abroad]". Accessed December 4, 2014. <http://www.chilesomostodos.gov.cl/>.

**Amount of the fee in country of origin currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the fee in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Prospective emigrants need to make a deposit before emigrating:**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Decree 597) and no evidence of such deposit in the official website of the Directorate for Chileans Abroad.

Sources: Decreto 597 [Decree 597]. 1984. / Chile Somos Todos. "Chile somos todos. DICOEX. Dirección para chilenos en el exterior [We are all Chile. DICOEX. Directorate for Chileans Abroad]". Accessed December 4, 2014. <http://www.chilesomostodos.gov.cl/>.

**Amount of the deposit in the currency of the country of origin:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the deposit in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_3: Citizens can only stay abroad for a given maximum of days.**

**Citizens can only stay abroad for a given maximum of days**

Answer: No

Code: 1

Explanation: No provision for a maximum of days that Chileans can stay abroad in main regulations (i.e. Decree 597 and Constitution).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

**Maximum number of days that citizens can stay abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 1.2. Documentation

### 1.2.1. Passport

#### **EMIGRATION\_4: Cost of ordinary passport.**

**Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 89.66

Code: 89.66

Explanation: In 2018, the cost of a 32-page passport was 89,660 pesos (USD 131,23).

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion>.

**Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 131.23

Code: 131.23

Explanation: In 2018, the cost of a 32-page passport was 89,660 pesos (USD 131,23).

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion>.

#### **EMIGRATION\_5: Maximum length of procedure to process passport.**

**Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):**

Answer: Yes

Code: 1

Explanation: The procedure takes a maximum length of six days.

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion>.

**Maximum length of procedure to process passport (in days):**

Answer: 6

Code: 6

Explanation: The procedure takes a maximum length of six days.

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion>.

**Maximum length of procedure to process passport (by categories):**

Answer: From 0 to 2 months

Code: 1

Explanation: The procedure takes a maximum length of six days.

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion>.

**EMIGRATION\_6. Renewal of passport from abroad is possible:**

Answer: Yes

Code: 1

Explanation: Renewal of passport from abroad is possible through Chilean consulates.

Sources: Portal Chile Atiende. "Pasaporte para chilenos en el extranjero. [Passport for Chileans Abroad]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/2431-pasaporte-para-chilenos-en-el-extranjero>.

### 1.2.2. Other requirements

**EMIGRATION\_7. Local police certificate is necessary to emigrate:**

Answer: No

Code: 1

Explanation: A local police certificate is not necessary for issuing a passport.

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion-y-renovacion>.

#### **EMIGRATION\_8. Superior/employer's permission is necessary to emigrate:**

Answer: No

Code: 1

Explanation: A superior/employers permission is not necessary for issuing a passport.

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion-y-renovacion>.

#### **EMIGRATION\_9. Proof of income is necessary to emigrate:**

Answer: No

Code: 1

Explanation: A proof of income is not necessary for issuing a passport.

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion-y-renovacion>.

#### **EMIGRATION\_10. Registration abroad is mandatory.**

Answer: No

Code: 1

Explanation: There is no requirement to register actively abroad in any consulate or embassy. Optional registration in order to vote is required if there are elections in the country.

Sources: Manual de regreso para chilenos en el exterior [Handbook of Return for Chileans Abroad]. 2014. / Portal Chile Atiende. "Pasaporte para chilenos en el extranjero. [Passport for Chileans Abroad]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/2431-pasaporte-para-chilenos-en-el-extranjero>.

### **1.3. Quotas and restrictions**

#### **EMIGRATION\_11. Quotas to emigrate based on ethnicity.**



**Quotas to emigrate based on ethnicity exist in the country:**

Answer: No

Code: 1

Explanation: No provision for any kind of quotas to emigrate in main regulations (i.e. Constitution and Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_12: Quotas to emigrate based on income.**

**Quotas to emigrate based on income exist in the country:**

Answer: No

Code: 1

Explanation: No provision for any kind of quotas to emigrate in main regulations (i.e. Constitution and Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_13. Those who are liable for military conscription are allowed to emigrate:**

Answer: Yes

Code: 1

Explanation: Chileans remain exempt from military service during their stay abroad, as long as they register at the competent consulate. Chileans living abroad will be inscribed automatically in the Military Registry when reaching legal age. In order to remain exempt from the military service, they have to regularize their military situation at their competent Consulate. The persons that regularize their military situation because of living abroad will be considered as “available”, remaining exempt from military service during their stay abroad.

Sources: Decreto Ley 2306 [Decree Law 2306]. 2005. / Servicio Militar. “Servicio Militar - Vivo en el extranjero [Military Service - I Live Abroad]”. Accessed August 30, 2018.  
[http://www.serviciomilitar.cl/?page\\_id=19#1486407144136-848cadf4-6e51](http://www.serviciomilitar.cl/?page_id=19#1486407144136-848cadf4-6e51).

#### **EMIGRATION\_14: Banned countries for emigration.**

**There are countries that are banned as destination for emigrants:**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Constitution and Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

#### **List of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Number of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRATION\_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:**

Answer: No

Code: 1

Explanation: No evidence of an education tax on emigration.

Sources: Portal Chile Atiende. "Pasaporte (obtención y renovación) [Passports (issue and renewal)]". Accessed September 4, 2018. <https://www.chileatiende.gob.cl/fichas/3445-pasaporte-obtencion-y-renovacion>. / Chile Somos Todos. "Chile Somos Todos. DICOEX. Dirección para chilenos en el exterior [We are all Chile. DICOEX. Directorate for Chileans Abroad]". Accessed December 4, 2014. <http://www.chilesomostodos.gov.cl/>.

#### **EMIGRATION\_16. Recipients of state scholarship are banned from emigrating:**

Answer: Yes

Code: 0

Explanation: As established by the Article 14 of Resolution 224-17 of the CONICYT, recipients of the scholarships for postgraduate studies abroad have to return to Chile from the country where they were residing after the scholarship is over.

Sources: Resolución 224-17 [Resolution 224-17]. 2017. Art. 14.

#### **EMIGRATION\_17: Ban for specific civil professional groups.**

**There is an emigration ban for specific professional group(s):**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Constitution and Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**There is a ban for medical doctors:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**There is a ban for other professions:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_18. The ban can be overcome by a letter signed by a supervisor:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_19. The ban can be overcome by a letter signed by an official authority.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **1.4. Policy incentives**

**EMIGRATION\_20. Existence during 2017 of campaigns to encourage emigration:**

Answer: No

Code: 0

Explanation: No evidence of campaigns to encourage emigration.

Sources: Chile Somos Todos. "Chile Somos Todos. DICOEX. Dirección para chilenos en el exterior [We are all Chile. DICOEX. Directorate for Chileans Abroad]". Accessed December 4, 2014. <http://www.chilesomostodos.gov.cl/>.

**EMIGRATION\_21. Existence during 2017 of campaigns to discourage emigration:**

Answer: No

Code: 0

Explanation: There are no records of campaigns discouraging emigration in 2017 or 2018.

Sources: Chile Somos Todos. "Chile Somos Todos. DICOEX. Dirección para chilenos en el exterior [We are all Chile. DICOEX. Directorate for Chileans Abroad]". Accessed December 4, 2014. <http://www.chilesomostodos.gov.cl/>.

**EMIGRATION\_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):**

Answer: No

Code: 0

Explanation: No, only the internal structures of the government are responsible for emigration process not external ones.

Sources: Ley 21080 [Law 21080]. 1908.

**EMIGRATION\_23: Emigration lump sum.**

**State of origin pays a lump sum incentive to citizens willing to emigrate:**

Answer: No

Code: 0

Explanation: No provision in main regulations (i.e. Constitution and Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Register the amount of the sum in country currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Register the amount of the sum in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.**

Answer: No

Code: 0

Explanation: No provision in main regulations to allow citizens willing to emigrate the withdrawal of accumulated social benefits.

Sources: Ley 19728 [Law 19728]. 2001. / AFC Chile Seguro de Cesantía. “Preguntas frecuentes > Preguntas afiliados [ Frequently Asked Questions > Affiliate Questions]”. Accessed January 21, 2019. <https://www.afc.cl/preguntas-afiliados/>.

## **1.5. Penalties**

### **EMIGRATION\_25: Loss of private property.**

#### **Risk of losing real state in case of emigration:**

Answer: No

Code: 1

Explanation: There is no provision in the regulation about the risk of losing private property in case of emigration.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

#### **Risk of losing bank accounts in case of emigration:**

Answer: No

Code: 1

Explanation: There is no provision in the regulation about the risk of losing private property or bank accounts in case of emigration.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

### **EMIGRATION\_26: Re-entry ban.**

#### **Existence of a re-entry ban after residence abroad for nationals by naturalization:**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Constitution and Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

**Re-entry ban applies after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals by birth:**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Constitution and Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

**Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Constitution and Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

**Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Constitution and Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Decreto 597 [Decree 597]. 1984.

## **1.6. Administration**

**EMIGRATION\_28. Existence of institution/agency with competencies for exit and/or emigration:**

**Existence of institution/agency with competencies for exit and/or emigration:**

Answer: Yes

Code: 1

Explanation: The Ministry of Foreign Affairs promotes and defends the recognition of the citizen rights of Chilean men and women abroad and develops a migration policy, provides assistance and consular protection to nationals and foreigners who require consular services in Chile and abroad; and strengthens the links and associations of Chilean men and women communities abroad.

Sources: Ministerio de Relaciones Exteriores de Chile. "Misión, Objetivos y Valores [Mission, Objectives and Values]". Accessed September 4, 2018. <https://minrel.gob.cl/mision-objetivos-y-valores-del-ministerio-de-relaciones-exteriores/minrel/2016-10-14/133122.html>.

**Name of the institution with competencies for exit and/or emigration in original language:**

Answer: Ministerio de Relaciones Exteriores de Chile

**Name of the institution with competencies for exit and/or emigration in English:**

Answer: Ministry of Foreign Affairs

**Place in the administrative hierarchy:**

Answer: 1st Rank in the public administration in the country (e.g. Ministry)

Code: 1



Explanation: Ministry of Foreign Affairs: promotes and defends the recognition of the citizen rights of Chilean men and women abroad and develops a migration policy, provides assistance and consular protection to nationals and foreigners who require consular services in Chile and abroad; and strengthens the links and associations of Chilean men and women communities abroad.

Sources: Ministerio de Relaciones Exteriores de Chile. "Misión, Objetivos y Valores [Mission, Objectives and Values]". Accessed September 4, 2018. <https://minrel.gob.cl/mision-objetivos-y-valores-del-ministerio-de-relaciones-exteriores/minrel/2016-10-14/133122.html>.

## 2. Emigrant policies

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### 2.1. Policies of representation

#### 2.1.1. Electoral rights

**EMIGRANT\_1. Voting is mandatory for citizens residing abroad:**

Answer: No

Code: 0

Explanation: Art. 15 of the Constitution establishes that the suffrage must be secret and voluntary.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 15.

**Does the country have presidential elections?**

Answer: Yes

Code: 1

**Does the country have a bicameral system (e.g. composed of a Lower House and an Upper House, or an originating chamber and a reviewer chamber)?**

Answer: Yes

Code: 1

#### *Presidential elections*

**EMIGRANT\_2. Can non-resident citizens vote in national presidential elections from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: Art. 13 of the Constitution establishes that citizens entitled to vote outside the country may vote from abroad in presidential primaries, presidential elections and national plebiscites.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 13.

**EMIGRANT\_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: Art. 25 of the Constitution establishes that to be elected President of the Republic it is required to have Chilean nationality according to the provisions of numbers 1 or 2 of article 10; to be over thirty-five years of age and to have the other qualities necessary to be a citizen with the right to vote.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 25.

### *Legislative elections*

#### Lower House (National Elections)

##### **EMIGRANT\_4. Can non-resident citizens vote in national legislative elections (Lower House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: Art. 13 of the Constitution establishes that citizens entitled to vote outside the country may vote from abroad in presidential primaries, presidential elections and national plebiscites.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 13.

##### **EMIGRANT\_5. Can non-resident citizens stand as candidates in national legislative elections (Lower House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: Article 48 of the Constitution establishes that to be elected deputy, you must be a citizen with the right to vote, have turned twenty-one years of age, have completed high school or the equivalent, and have residence in the region to which the corresponding electoral district belongs for a period of not less than two years, counted backwards from the day of the election.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 48.

#### Upper House (National Elections)

##### **EMIGRANT\_6. Can non-resident citizens vote in national legislative elections (Upper House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: Art. 13 of the Constitution establishes that citizens entitled to vote outside the country may vote from abroad in presidential primaries, presidential elections and national plebiscites.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 13.

#### **EMIGRANT\_7. Can non-resident citizens stand as candidates in national legislative elections (Upper House) from abroad?**

Answer: Generally disenfranchise

Code: 0

Explanation: Article 50 of the Constitution establishes that to be elected senator, you must be a citizen with the right to vote, have completed high school or equivalent and be thirty-five years of age on the day of the election. Non-resident citizens do not have the right to vote in elections for the Senate (Art. 13 of the Constitution).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 50.

### *Registration*

#### **EMIGRANT\_8. Registration in the electoral roll for non-resident citizens:**

Answer: Active registration, once-off

Code: 0.67|

Explanation: Article 6 of Law 18556 establishes that Chileans abroad must register actively only once, before the first election in which they will participate.

Sources: Ley 18556 [Law 18556]. 2013. Art. 6.

### *Remote voting*

#### **EMIGRANT\_9. Voting methods from abroad:**

##### **Voting methods available to cast votes from abroad - Electronic voting:**

Answer: No

Code: 0

Explanation: For the elections in 2017, 121 polling stations were enabled in consulates and embassies.

Sources: Biblioteca del Congreso Nacional de Chile. "Guía legal sobre voto de chilenos en el extranjero [Legal Guide about the Vote of Chileans Abroad]". Accessed November 27, 2014.

<https://www.bcn.cl/leyfacil>. / Servicio Electoral de Chile. "Voto de chilenos en el exterior [Vote of the Chileans Abroad]". Accessed January 18, 2019. <https://www.servei.cl/voto-de-chilenos-en-el-exterior-2/>.

#### **Voting methods available to cast votes from abroad - Proxy voting:**

Answer: No

Code: 0

Explanation: For the elections in 2017, 121 polling stations were enabled in consulates and embassies.

Sources: Biblioteca del Congreso Nacional de Chile. "Guía legal sobre voto de chilenos en el extranjero [Legal Guide about the Vote of Chileans Abroad]". Accessed November 27, 2014. <https://www.bcn.cl/leyfacil>. / Servicio Electoral de Chile. "Voto de chilenos en el exterior [Vote of the Chileans Abroad]". Accessed January 18, 2019. <https://www.servei.cl/voto-de-chilenos-en-el-exterior-2/>.

#### **Voting methods available to cast votes from abroad - Postal voting:**

Answer: No

Code: 0

Explanation: For the elections in 2017, 121 polling stations were enabled in consulates and embassies.

Sources: Biblioteca del Congreso Nacional de Chile. "Guía legal sobre voto de chilenos en el extranjero [Legal Guide about the Vote of Chileans Abroad]". Accessed November 27, 2014. <https://www.bcn.cl/leyfacil>. / Servicio Electoral de Chile. "Voto de chilenos en el exterior [Vote of the Chileans Abroad]". Accessed January 18, 2019. <https://www.servei.cl/voto-de-chilenos-en-el-exterior-2/>.

#### **Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:**

Answer: Yes

Code: 1

Explanation: For the elections in 2017, 121 polling stations were enabled in consulates and embassies.

Sources: Biblioteca del Congreso Nacional de Chile. "Guía legal sobre voto de chilenos en el extranjero [Legal Guide about the Vote of Chileans Abroad]". Accessed November 27, 2014. <https://www.bcn.cl/leyfacil>. / Servicio Electoral de Chile. "Voto de chilenos en el exterior [Vote of the Chileans Abroad]". Accessed January 18, 2019. <https://www.servei.cl/voto-de-chilenos-en-el-exterior-2/>.

#### **Voting methods available to cast votes from abroad - Ad hoc polling stations:**

Answer: No

Code: 0

Explanation: For the elections in 2017, 121 polling stations were enabled in consulates and embassies.

Sources: Biblioteca del Congreso Nacional de Chile. "Guía legal sobre voto de chilenos en el extranjero [Legal Guide about the Vote of Chileans Abroad]". Accessed November 27, 2014. <https://www.bcn.cl/leyfacil>. / Servicio Electoral de Chile. "Voto de chilenos en el exterior [Vote of the Chileans Abroad]". Accessed January 18, 2019. <https://www.servel.cl/voto-de-chilenos-en-el-exterior-2/>.

### *Special representation*

#### **EMIGRANT\_10: Emigrant special representation.**

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's Lower House?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Number of special seats reserved for non-resident candidates in the Lower House:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Number of special emigrant districts in the Lower House:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's Upper House?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special seats reserved for non-resident candidates in the Upper House:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the Upper House:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### *Remote voting implementation*

**EMIGRANT\_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):**

Answer: yes

**EMIGRANT\_12. In case external voting has not been implemented after its adoption, what are the main reasons?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 2.1.2. Regulation of political competition abroad

### *Party offices in the state of reception*

#### **EMIGRANT\_13. Offices of political parties are legally allowed abroad:**

Answer: No specific regulation of offices abroad

Code: 0.5

Explanation: There is no provision in the law about allowance or prohibition of external political parties of political parties abroad.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Ley 18603 [Law 18603]. 2012. / Ley 187000 [Law 187000]. 2013.

#### **EMIGRANT\_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:**

Answer: No

Code: 0

Explanation: No evidence of offices abroad of the main parties (Partido Socialista, Partido Demócrata Cristiano and Unión Demócrata Independiente) found.

Sources: Not applicable

#### **EMIGRANT\_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_16. Could external party offices receive public funding from state of origin?**

Answer: Not applicable

Code: Not applicable

Explanation: No public funding for political parties allowed. The income of political parties shall be constituted by the ordinary or extraordinary contributions made by their members, by donations, by testamentary allocations made in their favor and by the products of their assets. The maximum



contribution in money that each individual may make to political parties, not being affiliated to them, may not exceed three hundred units of support per year. The maximum contribution in cash that each individual may make to political parties, while affiliated to them, may not exceed five hundred units of support per year. Political parties may not receive contributions of any kind from legal persons.

Sources: Ley 18603 [Law 18603]. 2012. Art. 33.

### *Political campaigns*

#### **EMIGRANT\_17. Electoral campaigns abroad for home elections are legally regulated:**

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: No specific regulation of campaigns abroad in the regulations of political parties.

Sources: Ley 18603 [Law 18603]. 2012. Art. 33.

#### **EMIGRANT\_18. Actual existence of campaigns abroad for home elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_19. Existence of public funding for electoral campaigns in state of residence:**

Answer: No mention to public funding for campaigns abroad in main electoral regulations

Code: 0.5

Explanation: No provision in main regulations.

Sources: Ley 18603 [Law 18603]. 2012.

### *Membership in political parties*

#### **EMIGRANT\_20. Emigrant membership to home country political parties:**

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: Art. 18 of Law 18603 establishes that to join a political party, you must be a citizen with the right to vote or a foreigner who has lived in Chile for more than five years. As Chileans of the first generation have the right to vote and are citizens, they can be affiliated to Chilean political parties although living abroad.

Sources: Ley 18603 [Law 18603]. 2012. Art. 18.

### **2.1.3. Consultative bodies**

### **2.1.4. Consultative bodies at the national level**

#### **EMIGRANT\_21. Existence of a consultative body on emigrant issues:**

Answer: No

Code: 0

Explanation: No provision for consultative bodies found in main regulations.

Sources: Not applicable

#### **EMIGRANT\_22. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_23. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_24. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_27. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### *Consultative bodies at the consular level*

#### **EMIGRANT\_28. Existence of a consultative body of emigrants at the consular level.**

Answer: No

Code: 0

Explanation: No evidence of consultative bodies for emigrants in Chile.

Sources: Not applicable

#### **EMIGRANT\_29. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_30. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_31. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_34. Selection criteria to ensure representativeness.**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **2.1.5. Funding of emigrant associations**

**EMIGRANT\_35. Existence of consular support (in kind or financial) to independent emigrant associations**

Answer: No

Code: 0

Explanation: No provisions for support for emigrant associations found.

Sources: Chile en el Exterior. "Objetivos y funciones del consulado [Objectives and functions of the consulate]". Accessed June 6, 2019. <http://chile.gob.cl/miami/sobre-el-consulado/objetivos-y-funciones-del-consulado>.

## **2.2. Economic Policies**

### **2.2.1. Remittances**

#### **EMIGRANT\_36. Government program/strategy to attract remittances from emigrants.**

##### **Existence of a government program to attract remittances from emigrants:**

Answer: Yes

Code: 1

Explanation: Chile offers several programs related to remittances.

Sources: Portal Chile Atiende. "Envío de dinero hacia Chile desde el exterior [Sending Money to Chile from abroad]". Accessed August 30, 2018. <https://www.chileatiende.gob.cl/fichas/49528-envio-de-dinero-hacia-chile-desde-el-exterior#requirements>. / BancoEstado. "Nuestros servicios para chilenos en el exterior [Our Services for Chileans Abroad]". Accessed August 30, 2018. [http://www.bancoestado.cl/imagenes/\\_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp](http://www.bancoestado.cl/imagenes/_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp).

##### **Measures to improve banking channels for remittances:**

Answer: Yes

Code: 1

Explanation: The Banco del Estado has a program that allows that money from abroad can be delivered to the recipient in cash (only dollars or euros, depending on the availability of foreign currency) or in pesos with a deposit to the current account, savings account, electronic checkbook or RUT Account.

Sources: BancoEstado. "Nuestros servicios para chilenos en el exterior [Our Services for Chileans Abroad]". Accessed August 30, 2018. [http://www.bancoestado.cl/imagenes/\\_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp](http://www.bancoestado.cl/imagenes/_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp).

##### **Existence of fee controls for remittances:**

Answer: No

Code: 0

Explanation: No provision of fee controls for remittances.

Sources: BancoEstado. "Nuestros servicios para chilenos en el exterior [Our Services for Chileans Abroad]". Accessed August 30, 2018.  
[http://www.bancoestado.cl/imagenes/\\_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp](http://www.bancoestado.cl/imagenes/_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp).

**Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):**

Answer: No

Code: 0

Explanation: No provision for co-development schemes based on remittances.

Sources: BancoEstado. "Nuestros servicios para chilenos en el exterior [Our Services for Chileans Abroad]". Accessed August 30, 2018.  
[http://www.bancoestado.cl/imagenes/\\_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp](http://www.bancoestado.cl/imagenes/_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp).

### **2.2.2. Investment**

**EMIGRANT\_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):**

Answer: Yes

Code: 1

Explanation: Chile offers programmes to attract investments from emigrants. For instance, the program "Compra de vivienda en Chile" developed by the Banco Estado offers credits to Chilean emigrants that want to buy real state in Chile.

Sources: BancoEstado. "Nuestros servicios para chilenos en el exterior [Our Services for Chileans Abroad]". Accessed August 30, 2018.  
[http://www.bancoestado.cl/imagenes/\\_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp](http://www.bancoestado.cl/imagenes/_personas/productos/chilenos-en-el-exterior/chilenos-en-el-exterior.asp).

### **2.2.3. Brain circulation networks**

**EMIGRANT\_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?**

Answer: Yes

Code: 1

Explanation: For instance, "Chile Global", an international network of leading businessmen, professionals and postdoctoral students from Chile (or friends of Chile) who live abroad and are interested in getting connected in order to contribute to and benefit from the development of Chile. Its

objective is to become an instrument that enforces the exchange of knowledge and that contributes to the construction of the image of Chile.

Sources: ChileGlobal. "ChileGlobal" Accessed August 30, 2018.  
<http://www.imagendechile.cl/productos-y-servicios/red-chileglobal/>.

#### 2.2.4. Return policies

**EMIGRANT\_39. Recognition of academic and professional qualifications acquired in the state of residence:**

**Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:**

Answer: Yes

Code: 1

Explanation: There is a procedure for the academic/professional titles obtained in another country: First, the title and the attached documents, once they have been legalized by the corresponding authorities of the countries where the title was acquired, have to be revalidated by the Chilean consulate in that country. Then, after having been legalized at the Departamento de Legalizaciones of the Chilean Ministry of Foreign Affairs, the titles and documents have to be presented at the University of Chile (who has the privative competence of recognizing and revalidating those titles), where they are revised by the Comisión Especial de la Vicerrectoría de Asuntos Académicos or the corresponding faculties and institutes, who decide which steps have to be taken in order to get the recognition of the title. The process of recognition depends on every particular case.

Sources: Pedroza, Luicy, Pau Palop, and Bert Hoffmann. 2016. Emigrant Policies in Latin America and the Caribbean. Chile: FLACSO-Chile Ed.

**Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:**

Answer: Not stated

Code: 0.25

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_40. Communication campaigns aiming to convince emigrants to return to home country:**

Answer: No

Code: 0

Explanation: There are no records of communication campaigns.



Sources: Manual de regreso para chilenos en el exterior [Handbook of Return for Chileans Abroad]. 2014.

**EMIGRANT\_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:**

Answer: No

Code: 0

Explanation: No evidence about the existence of brain-gain programmes found.

Sources: For instance, manual de regreso para chilenos en el exterior [Handbook of Return for Chileans Abroad]. 2014.

**EMIGRANT\_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:**

Answer: Yes

Code: 1

Explanation: For instance, the Social Benefit for Chileans abroad includes support of elderly and ill persons, children or Chileans who return to Chile in precarious conditions (Provision of shelter, hospitals and other institutions).

Sources: Manual de regreso para chilenos en el exterior [Handbook of Return for Chileans Abroad]. 2014.

## **2.3. Social Policies**

### **2.3.1. Retirement benefits**

**EMIGRANT\_43. Retirement benefits after emigration (i.e. pensions):**

Answer: Yes

Code: 1

Explanation: The retirement pension ("pensión de vejez") is paid to all the Chileans living abroad that have contributed to the IPS or its predecessors.

Sources: Chile en el Exterior. "Solicitud de Pensión de Vejez IPS [Old Age Pension Application IPS]". Accessed August 30, 2018. <http://chile.gob.cl/chile/tramites/prevision-social/solicitud-de-pension-de-vejez-ips>.

### 2.3.2. Health care benefits

#### EMIGRANT\_44. Health care benefits.

**Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):**

Answer: No

Code: 0

Explanation: No scheme to extend health coverage abroad.

Sources: Manual de regreso para chilenos en el exterior [Handbook of Return for Chileans Abroad]. 2014.

**Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:**

Answer: No

Code: 0

Explanation: No possibility to keep health coverage in state of origin.

Sources: Manual de regreso para chilenos en el exterior [Handbook of Return for Chileans Abroad]. 2014.

**Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:**

Answer: No

Code: 0

Explanation: Emigrants cannot pay for their families' contributions to the health care scheme of the state of origin.

Sources: Manual de regreso para chilenos en el exterior [Handbook of Return for Chileans Abroad]. 2014.

### 2.3.3. Education

#### EMIGRANT\_45. Education programs for emigrants.

**Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:**

Answer: Yes

Code: 1

Explanation: The main program of scholarships abroad is the Becas Chile. There is no limitation for emigrants to apply to this program. The only condition limiting the application for emigrants is that after the stay abroad they must return to Chile for a period.

Sources: Resolución 224-17 [Resolution 224-17]. 2017. Art. 14.

**State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):**

Answer: No

Code: 0

Explanation: The Chilean state does not have schools abroad.

Sources: Not applicable

**State of origin offers language courses to emigrants to learn the language of the state of reception:**

Answer: No

Code: 0

Explanation: Chile does not offer language and/or cultural courses for children of emigrants.

Sources: Not applicable

## **2.4. Cultural policies**

### **2.4.1. Visits to country of origin**

**EMIGRANT\_46. State of origin organizes visits to the origin country for emigrants on a regular basis:**

Answer: Yes

Code: 1

Explanation: Since 2001, Dicoex, in collaboration with the National Tourism Service, organize each year the program "Revisitando Chile: Identidad e Historia", which targets specifically those Chilean senior citizens (older than 60) who live in the neighboring countries. The travels are financed up to 60% by DICOEX (Direction for the Community of Chileans Abroad) and 40% by the National Tourism Service and offered once to three times a year.

Sources: Chile Somos Todos. "Revisitando Chile [Revisiting Chile]" Accessed August 30, 2018. <https://chilesomostodos.gob.cl/notas-servicios/revisitando-chile/>.

## 2.4.2. Language courses for emigrants

**EMIGRANT\_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):**

Answer: No

Code: 0

Explanation: No evidence of language courses for emigrants.

Sources: Not applicable

## 2.5. Obligations

### 2.5.1. Military service

**EMIGRANT\_48. Emigrants have the obligation to comply with military service:**

Answer: Military service mandatory for residents, but not for nonresidents

Code: 0

Explanation: Article 24 of Law 2306 establishes that Chileans remain exempt from military service during their stay abroad, as long as they register at the competent consulate. Chileans living abroad will be inscribed automatically in the Military Registry when reaching legal age. To remain exempt from the military service, they have to regularize their military situation at their competent Consulate. The persons that regularize their military situation because of living abroad will be considered as "available", remaining exempt from military service during their stay abroad.

Sources: Decreto Ley 2306 [Decree Law 2306]. 2005. Art. 24.

### 2.5.2. Social service

**EMIGRANT\_49. Emigrants have the obligation to comply with social service:**

Answer: No existence of social service

Code: Not applicable

Explanation: Social service does not exist in Chile.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

### 2.5.3. Taxes

#### EMIGRANT\_50. Obligation to pay taxes in state of origin

**Emigrant must pay income taxes in state of origin:**

Answer: No

Code: 0

Explanation: Article 3 of Law 824 establishes that, unless otherwise provided in this law, all persons domiciled or resident in Chile shall pay income tax on their income from any source, whether the source of income is located within or outside the country, and persons not resident in Chile shall be subject to income tax whose source is within the country.

Sources: Decreto Ley 824 [Decree Law 824]. 2014. Art. 3.

**There are special taxes for emigrants:**

Answer: No

Code: 0

Explanation: No special tax for emigrants in main regulations (i.e. Decree Law 824).

Sources: Decreto Ley 824 [Decree Law 824]. 2014. Art. 3.

## 2.6. Administration

### 2.6.1. Home country administration

**EMIGRANT\_51. Existence of a home country administration agency/body for emigrants in state of origin.**

**Existence of institution/agency with competencies for emigrant policies:**

Answer: Yes

Code: 1

Explanation: Dirección para la Comunidad de Chilenos en el Exterior (Dicoex)

Sources: Chile Somos Todos. "Chile Somos Todos [We are all Chile]". Accessed December 4, 2014. <http://www.chilesomostodos.gov.cl/>.

**Name of the institution with competencies for emigrant policies in original language:**

Answer: Dirección para la Comunidad de Chilenos en el Exterior (Dicoex)

**Name of the institution with competencies for emigrant policies in English:**

Answer: Direction for the Community of Chileans Abroad

**EMIGRANT\_52. Place in the administrative hierarchy:**

Answer: 3rd Rank in the public administration

Code: 0.5

Explanation: The Dirección para la Comunidad de Chilenos en el Exterior (DICOEX) (Direction for the Community of Chileans Abroad) is subordinated to the Dirección General de Asuntos Consulares y de Inmigración, which is one of the four departments controlled by the Ministry of Foreign Relations.

Sources: Chile Somos Todos. "Chile Somos Todos [We are all Chile]". Accessed December 4, 2014. <http://www.chilesomostodos.gov.cl/>.

## **2.6.2. Consular network**

**EMIGRANT\_53: Number of consulates.**

**Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):**

Answer: 110

Code: 110

Explanation: In 2017 Chile had 56 consular sections, 46 general consulates and 8 consulates.

Sources: Chile en el Exterior. "Consulados [Consulates]". Accessed August 30, 2018. <https://chile.gob.cl/consulados/>.

**Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):**

Answer: 68

Code: 68

Explanation: In 2017 Chile had 56 consular sections, 46 general consulates and 8 consulates in 68 countries.

Sources: Chile en el Exterior. "Consulados [Consulates]". Accessed August 30, 2018. <https://chile.gob.cl/consulados/>.

### **2.6.3. New consular functions**

#### **EMIGRANT\_54: Extensions to the consular network services.**

##### **Existence of mobile consulates:**

Answer: No

Code: 0

Explanation: No evidence of mobile consulates.

Sources: Chile en el Exterior. "Consulados [Consulates]". Accessed August 30, 2018. <https://chile.gob.cl/consulados/>.

##### **Consulates open on weekends on a regular basis (e.g. once monthly):**

Answer: No

Code: 0

Explanation: No evidence of opening of consulates on weekends.

Sources: Chile en el Exterior. "Consulados [Consulates]". Accessed August 30, 2018. <https://chile.gob.cl/consulados/>.

##### **Consulates offer some services online:**

Answer: Yes

Code: 1

Explanation: Chile has an system of online consular services.

Sources: Ministerio de Relaciones Exteriores de Chile. "Trámites Consulares Online [Online Consular Procedures]". Accessed July 12, 2019. <https://tramites.minrel.gov.cl/>.

#### **EMIGRANT\_55: Adoption of new consular functions.**

##### **Consulates offer financial consultancy:**

Answer: No

Code: 0

Explanation: Chilean consulates do not offer financial consultancy.

Sources: Chile en el Exterior. "Objetivos y funciones del consulado [Objectives and Functions of the Consulate]". Accessed June 6, 2019. <http://chile.gob.cl/miami/sobre-el-consulado/objetivos-y-funciones-del-consulado>.

**Consulates offer psychological consultancy:**

Answer: No

Code: 0

Explanation: Chilean consulates do not offer psychological consultancy.

Sources: Chile en el Exterior. "Objetivos y funciones del consulado [Objectives and Functions of the Consulate]". Accessed June 6, 2019. <http://chile.gob.cl/miami/sobre-el-consulado/objetivos-y-funciones-del-consulado>.

**Consulates offer health services:**

Answer: No

Code: 0

Explanation: Chilean consulates do not offer health services.

Sources: Chile en el Exterior. "Objetivos y funciones del consulado [Objectives and Functions of the Consulate]". Accessed June 6, 2019. <http://chile.gob.cl/miami/sobre-el-consulado/objetivos-y-funciones-del-consulado>.

#### **2.6.4. Special offices**

**EMIGRANT\_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):**

Answer: No

Code: 0

Explanation: No evidence of special migrant offices in state of reception.

Sources: Not applicable



### 3. Emigrant citizenship and nationality policies

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**CITNAT: Does the country make a distinction between citizenship and nationality?**

Answer: Yes

Code: 1

Explanation: Art. 13 of the Constitution establishes that Chilean citizens are those who have reached eighteen years of age and who have not been sentenced to afflictive punishment. The status of citizen grants the right to vote, to stand for elected office and any other office conferred by the Constitution or the law. Art. 10 of the Constitution establishes that Chilean nationals are those born in the territory of Chile, with the exception of the children of foreigners who are in Chile in the service of their Government, and of the children of foreign passers-by, all of whom, however, may opt for Chilean nationality; 2° The children of a Chilean father or mother, born in foreign territory. However, it will be required that any of his or her ascendants, in a straight line of the first or second degree, have acquired Chilean nationality by virtue of the provisions of numbers 1, 3 or 4; 3° - Foreigners who obtain a letter of naturalization in accordance with the law, and 4° - Those who obtain special grace of nationalization by law.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10 and 13.

#### 3.1. Emigrant nationality

##### 3.1.1. Dual nationality for emigrants

**EMINAT\_1. Deprivation of nationality for having acquired a foreign nationality.**

**Loss of nationality for acquisition of foreign citizenship (nationals by birth):**

Answer: No provision

Code: 1

Explanation: Chile does not deprive their national citizens by birth of their nationality for having acquired a foreign nationality. Art. 11 of the Constitution establishes that Chilean nationality is only lost in the following cases: 1.- For voluntary resignation before the competent Chilean authority. This resignation will only take effect if the person has previously been naturalized in a foreign country; 2 - By supreme decree, in case of rendering services during a foreign war to enemies of Chile or its allies; 3.- For cancellation of the letter of nationalization, and 4° - By law that revokes the nationalization granted by grace.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.

**Nationality can be withdrawn only if person resides abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person was born abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Loss of nationality can be prevented:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.2. Dual nationality only for some countries of residence**

**EMINAT\_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.**

**Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

**Which countries:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.3. Loss of nationality after residence abroad**

**EMINAT\_3: Loss of nationality after residence abroad.**

**Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: Chile does not deprive their national citizens of their nationality due to residence abroad.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.

**Nationality can be withdrawn only if person resides abroad for 20 years or more:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person has another citizenship:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: No provision in main regulations.

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.

### **3.1.4. Jus sanguinis for emigrants**

**EMINAT\_4: Transfer of nationality to children born abroad.**

**Country of origin permit parents to confer their nationality on their children who are born abroad:**

Answer: Yes

Code: 1

Explanation: Chile permits parents to confer their nationality up to the second generation/second degree is possible to acquire Chilean nationality. Condition for this is that at least one parent or grandparent acquired citizenship by birth in Chile, by ordinary naturalization or by naturalization granted as a special favor.

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10.

**Transfer of nationality is applicable to:**

Answer: More than one generation

Code: 0.25

Explanation: Chile permits parents to confer their nationality up to the second generation/second degree is possible to acquire Chilean nationality. Condition for this is that at least one parent or grandparent acquired citizenship by birth in Chile, by ordinary naturalization or by naturalization granted as a special favor.

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10.

### **3.1.5. Jus sanguinis across generations**

**EMINAT\_5: Transfer of nationality to children born abroad from former citizens.**

**Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens**

Answer: No

Code: 0

Explanation: There is no provision in the Constitution where the Nationality and Citizenship are regulated for the Jus sanguinis across generations.

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980.

**Transfer of nationality is applicable to:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.6. Renunciation of nationality is possible**

**EMINAT\_6: Voluntary renunciation of nationality abroad is possible.**

**Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:**

Answer: Renunciation is possible

Code: 1

Explanation: Yes, it is possible to renounce under the condition that the person has previously been naturalized in a foreign country (Art. 11.1. of Constitution).

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.1.

**Renunciation abroad is only possible if person has another nationality:**

Answer: Yes, person renouncing has to show proof of another nationality

Code: 1

Explanation: Yes, it is possible to renounce under the condition that the person has previously been naturalized in a foreign country (Art. 11.1. of Constitution).

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.1.

**Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:**

Answer: No

Code: 0

Explanation: Yes, it is possible to renounce under the condition that the person has previously been naturalized in a foreign country (Art. 11.1. of Constitution).

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.1.

### **3.1.7. Reacquisition of nationality**

**EMINAT\_7. Country of origin provides for reacquisition of nationality for former nationals:**

Answer: Yes

Code: 1

Explanation: Art. 11 of the Constitution establishes that those who have lost their Chilean nationality for any of the reasons established in this article may only be rehabilitated by law.

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.

## **3.2. Emigrant citizenship**

### **3.2.1. Citizenship restrictions for dual nationals**

**EMICIT\_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):**

Answer: No restrictions

Code: 1

Explanation: The articles about nationality and citizenship (Art. 10-18, Constitution) do not mention any restriction/duty in this regard. Also, Art.13 (about citizen rights: active/passive franchise; other constitutional rights such as founding political parties) does not mention dual nationality as a limitation; neither do the articles about tenure of public office (Art.25, 34, 48, 50) or about the suspension of the electoral rights (Art.16).

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10-18, 25, 34, 48 and 50.

### 3.2.2. Different citizenship for emigrants

**EMICIT\_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?**

Answer: No

Code: 0

Explanation: No special status for nationals who are located temporarily or permanently outside the national territory.

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980.

### 3.2.3. Loss or suspension of citizen rights after residence abroad

**EMICIT\_3: Country deprives their national citizens by birth who emigrated of their citizen rights.**

**Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: No provision for the deprivation of national citizens by birth who emigrated of their citizenship rights.

Sources: Constitución Política de la República de Chile [Political Constitution of the Republic of Chile]. 1980.

**Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) \*If it is not specified in the regulation, it is coded as restrictions not conditional to return:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4. Immigration policies

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### 4.1. General

#### 4.1.1. Number of entry tracks

##### **IMMIGRATION\_1. How many visa types does the country have?**

Answer: 7

Code: 7

Explanation: Seven visa types: tourist visa, student visa, temporal visa, contract resident, diplomatic visa, visa for artists (in order to work less than 90 days), special visa agreements.

Sources: Ministerio de Relaciones Exteriores de Chile. "Visas [Visas]". Accessed August 28, 2018. [https://minrel.gob.cl/visas/minrel/2008-06-19/154024.html#vtxt\\_cuerpo\\_T2](https://minrel.gob.cl/visas/minrel/2008-06-19/154024.html#vtxt_cuerpo_T2).

##### **IMMIGRATION\_2: Categorical organization of visas**

##### **Are the visas organized by overarching categories?**

Answer: Yes

Code: 1

Explanation: Art. 9 of Decree 597 establishes that foreigners may enter Chile as tourists, official residents or immigrants. Art. 11 of the Decree 597 establishes that official residents will be granted diplomatic or official visas and that residents will be granted visas under the following designations: Temporary Resident, Resident Subject to Contract, Student Resident, Resident with Political Asylum or Refugee.

Sources: Decreto 597 [Decree 597]. 1984. Art. 9.

##### **How many categories?**

Answer: 3

Code: 3

Explanation: Art. 9 of Decree 597 establishes that foreigners may enter Chile as tourists, official residents or immigrants. Art. 11 of the Decree 597 establishes that official residents will be granted diplomatic or official visas and that residents will be granted visas under the following designations: Temporary Resident, Resident Subject to Contract, Student Resident, Resident with Political Asylum or Refugee.

Sources: Decreto 597 [Decree 597]. 1984. Art. 9.



### 4.1.2. Biometric information

#### **IMMIGRATION\_3: Collection of biometric information.**

**Does the state collect biometric information from all citizens for example for passports?**

Answer: No

Code: 0

Explanation: No provision in main regulations (e.g. Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Does the state collect biometric information from immigrants for example for passports?**

Answer: No

Code: 0

Explanation: No provision in main regulations (e.g. Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

### 4.1.3. Visa waivers

**IMMIGRATION\_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?**

Answer: No

Code: 0

Explanation: No provision in main regulations (e.g. Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

## 4.2. Documentation

#### **IMMIGRATION\_5: Issue of legal compulsory identification documents.**

**Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?**

Answer: Yes

Code: 1

Explanation: Article 5 of Decree 597 establishes that foreigners shall be obliged to present their identity documents or foreigners' documents to the corresponding authorities, when required, to prove their residence status in Chile.

Sources: Decreto 597 [Decree 597]. 1984. Art. 5.

**Are they required to carry them at all times?**

Answer: Yes

Code: 1

Explanation: Article 5 of Decree 597 establishes that foreigners shall be obliged to present their identity documents or foreigners' documents to the corresponding authorities, when required, to prove their residence status in Chile.

Sources: Decreto 597 [Decree 597]. 1984. Art. 5.

### **4.3. Quotas and restrictions**

#### **4.3.1. General quota**

**IMMIGRATION\_6: General quota for immigration.**

**Is there a general quota (numerical limit) for immigration?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 4.3.2. Specific quotas

#### **IMMIGRATION\_7: Quota for high-skilled migrants.**

**Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_8: Quota for low-skilled migrants.**

**Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_9: Quota for refugees.**

**Is there a quota (numerical limit) on the number of refugees?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_10: Quota for co-ethnics.**

**Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?**

Answer: Not applicable (no co-ethnic proxy)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.3.3. List of excluded persons**

**IMMIGRATION\_11: Categories of excluded persons.**

**Are there categories of excluded persons from immigration?**

Answer: Yes

Code: 0

Explanation: Based on Article 26 of Decree 597, the following foreigners are prohibited from entering the country: 1. Those who propagate or promote, by word, in writing or by any other means, doctrines that tend to destroy or alter by violence, the social order of the country or its system of government; those who are unionized or have a reputation for being agitators or activists of such doctrines and, in general, those who carry out acts that Chilean law classifies as crimes against the foreign security, national sovereignty, internal security or public order of the country and those who carry out acts contrary to the interests of Chile or constitute a danger to the State; 2. Those who engage in the illicit trade or trafficking of drugs or arms, smuggling, slavery and, in general, acts contrary to morality or morality; 3. Those convicted or currently being prosecuted for ordinary crimes that Chilean law qualifies as crimes, and those who are fugitives from justice for non-political crimes; 4. Those who do not have or cannot exercise a profession or trade, or lack the resources that would allow them to live in Chile without constituting a social burden; 5. Those who suffer from diseases determined by the Chilean health authority to be a cause of impediment to entry to the national territory; 6. Those who have been expelled or forced to leave the country by resolution or supreme decree without these having been previously repealed; 7. Those who do not comply with the entry requirements established in Decree Law No. 1,094 of 1975, as amended, and those of these Regulations, without prejudice to the provisions of No. 4 of the following article and Articles 57 and 166, and 8. Those who, having committed the crimes specified in the first paragraph of article 145 and in article 146, and in respect thereof, have prescribed the corresponding criminal actions or penalties, if any, while outside the national territory.

Sources: Decreto 597 [Decree 597]. 1984. Art. 26.

#### **List of categories of excluded persons:**

Answer: Based on Article 26 of Decree 597, the following foreigners are prohibited from entering the country: 1. Those who propagate or promote, by word, in writing or by any other means, doctrines that tend to destroy or alter by violence, the social order of the country or its system of government; those who are unionized or have a reputation for being agitators or activists of such doctrines and, in general, those who carry out acts that Chilean law classifies as crimes against the foreign security, national sovereignty, internal security or public order of the country and those who carry out acts contrary to the interests of Chile or constitute a danger to the State; 2. Those who engage in the illicit trade or trafficking of drugs or arms, smuggling, slavery and, in general, acts contrary to morality or morality; 3. Those convicted or currently being prosecuted for ordinary crimes that Chilean law qualifies as crimes, and those who are fugitives from justice for non-political crimes; 4. Those who do not have or cannot exercise a profession or trade, or lack the resources that would allow them to live in Chile without constituting a social burden; 5. Those who suffer from diseases determined by the Chilean health authority to be a cause of impediment to entry to the national territory; 6. Those who have been expelled or forced to leave the country by resolution or supreme decree without these having been previously repealed; 7. Those who do not comply with the entry requirements established in Decree Law No. 1,094 of 1975, as amended, and those of these Regulations, without prejudice to the provisions of No. 4 of the following article and Articles 57 and 166, and 8. Those who, having committed the crimes specified in the first paragraph of article 145 and in article 146, and in respect thereof, have prescribed the corresponding criminal actions or penalties, if any, while outside the national territory.

Sources: Decreto 597 [Decree 597]. 1984. Art. 26.

#### **4.3.4. List of excluded countries**

## **IMMIGRATION\_12: Countries excluded.**

**Is there a list of countries whose nationals are banned for immigration in this country?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

### **List of countries excluded:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **4.4. Policy incentives**

### **4.4.1. Recognized brokers**

**IMMIGRATION\_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):**

Answer: No

Code: 0

Explanation: The only authorized institution for immigration issues is the Department of Foreign Affairs and Migration.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_14. State offers pecuniary incentives to citizens willing to immigrate:**

Answer: No

Code: 0

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

## **4.5. Immigration control and penalties**

### **4.5.1. Irregular residence**

**IMMIGRATION\_15: Illegal residence.**

**Is illegal residence in the country considered a criminal offense?**

Answer: No

Code: 1

Explanation: Illegal residence is considered an administrative offense. Illegal migrants are liable to an administrative sanction (Art. 78 of the Constitution and Art. 86 of Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 78. / Decreto 597 [Decree 597]. 1984. Art. 86.

**Is illegal residence considered an administrative offense?**

Answer: Yes

Code: 0

Explanation: Illegal residence is considered an administrative offense. Illegal migrants are liable to an administrative sanction (Art. 78 of the Constitution and Art. 86 of Decree 597).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 78. / Decreto 597 [Decree 597]. 1984. Art. 86.

### **4.5.2. Forged documents**

**IMMIGRATION\_16: Penalties for immigrants with forged documents.**

**Are there penalties for immigrants for forged documents?**

Answer: Yes

Code: 0

Explanation: Immigrants with forged documents are liable to the rejection of their visa application (Art. 137.3 Decree 597), imprisonment (Art. 145 Decree 597) or expulsion (Art. 145 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 137.3 and 145.

**Penalty is expulsion:**

Answer: Yes

Code: 2

Explanation: Immigrants with forged documents are liable to the rejection of their visa application (Art. 137.3 Decree 597), imprisonment (Art. 145 Decree 597) or expulsion (Art. 145 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 137.3 and 145.

**Penalty is a fine:**

Answer: No

Code: 1

Explanation: Immigrants with forged documents are liable to the rejection of their visa application (Art. 137.3 Decree 597), imprisonment (Art. 145 Decree 597) or expulsion (Art. 145 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 137.3 and 145.

**Penalty is detention:**

Answer: No

Code: 1

Explanation: Immigrants with forged documents are liable to the rejection of their visa application (Art. 137.3 Decree 597), imprisonment (Art. 145 Decree 597) or expulsion (Art. 145 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 137.3 and 145.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Immigrants with forged documents are liable to the rejection of their visa application (Art. 137.3 Decree 597), imprisonment (Art. 145 Decree 597) or expulsion (Art. 145 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 137.3 and 145.

**IMMIGRATION\_17: Penalties for immigrants with expired documents.**

**Are there penalties for immigrants with expired documents?**

Answer: No

Code: 1



Explanation: There is no provision in the immigration regulation (Decree 597) about penalties for immigrants for expired documents.

Sources: Decreto 597 [Decree 597]. 1984.

**Penalty is expulsion:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is detention:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.5.3. Aiding undocumented migrants**

**IMMIGRATION\_18: Penalties for aiding undocumented migrants.**

### **Are there penalties for aiding undocumented migrants?**

Answer: Yes

Code: 0

Explanation: The penalty for aiding undocumented migrants to enter the country in Chile can be imprisonment or a fine (Art. 411 of Penal Code).

Sources: Código Penal [Penal Code]. 1874. Art. 411.

### **Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: The penalty for aiding undocumented migrants to enter the country in Chile can be imprisonment or a fine (Art. 411 of Penal Code).

Sources: Código Penal [Penal Code]. 1874. Art. 411.

### **Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: The penalty for aiding undocumented migrants to enter the country in Chile can be imprisonment or a fine (Art. 411 of Penal Code).

Sources: Código Penal [Penal Code]. 1874. Art. 411.

## **4.5.4. Employment obligations**

### **IMMIGRATION\_19: Penalties for employers who hire migrant workers without a legal work permit.**

#### **Are there sanctions for employers hiring migrant workers without a legal work permit?**

Answer: Yes

Code: 0

Explanation: Art. 153 of Decree 597 establishes that hiring foreigners who are not authorized to work in Chile can carry a fine of 1 to 15 days' salary.

Sources: Decreto 597 [Decree 597]. 1984. Art. 153.

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: Art. 153 of Decree 597 establishes that hiring foreigners who are not authorized to work in Chile can carry a fine of 1 to 15 days' salary.

Sources: Decreto 597 [Decree 597]. 1984. Art. 153.

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: Art. 153 of Decree 597 establishes that hiring foreigners who are not authorized to work in Chile can carry a fine of 1 to 15 days' salary.

Sources: Decreto 597 [Decree 597]. 1984. Art. 153.

#### **4.5.5. Landlord obligations**

**IMMIGRATION\_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.**

**Are there penalties for landlords who rent shelter to migrants without a regular migrant status?**

Answer: Yes

Code: 0

Explanation: Art. 156 of Decree 597 establishes that the owners, administrators, managers, persons in charge or responsible of hotels, residences or lodging houses that lodge foreigners, as well as the owners or renters that agree or contract with them, must previously demand that they prove their legal residence in the country. This shall be expressly recorded in the passenger register or in the relevant act or contract. Art. 156 of Decree 597 establishes that failure to comply with this obligation shall be punishable by a fine of 0.22 to 4.46 minimum income and that the obligation also applies to individuals who lodge or accommodate foreigners.

Sources: Decreto 597 [Decree 597]. 1984. Art. 153.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Art. 156 of Decree 597 establishes that the owners, administrators, managers, persons in charge or responsible of hotels, residences or lodging houses that lodge foreigners, as well as the owners or renters that agree or contract with them, must previously demand that they prove their legal residence in the country. This shall be expressly recorded in the passenger register or in the relevant act or contract. Art. 156 of Decree 597 establishes that failure to comply with this obligation shall be punishable by a fine of 0.22 to 4.46 minimum income and that the obligation also applies to individuals who lodge or accommodate foreigners.

Sources: Decreto 597 [Decree 597]. 1984. Art. 156.

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: Art. 156 of Decree 597 establishes that the owners, administrators, managers, persons in charge or responsible of hotels, residences or lodging houses that lodge foreigners, as well as the owners or renters that agree or contract with them, must previously demand that they prove their legal residence in the country. This shall be expressly recorded in the passenger register or in the relevant act or contract. Art. 156 of Decree 597 establishes that failure to comply with this obligation shall be punishable by a fine of 0.22 to 4.46 minimum income and that the obligation also applies to individuals who lodge or accommodate foreigners.

Sources: Decreto 597 [Decree 597]. 1984. Art. 156.

#### **4.5.6. Airline penalties**

**IMMIGRATION\_21: Penalties for airlines carrying immigrants without documentation.**

**Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?**

Answer: Yes

Code: 0

Explanation: Art. 18 of Decree 597 establishes that international passenger transportation companies must refrain from driving passengers bound for Chile who are not accompanied by the appropriate documentation to enable them to enter the country. If they fail to do so, they must re-embark on their own account the passengers whose entry is refused (Art. 11 Decree 1094).

Sources: Decreto 597 [Decree 597]. 1984. Art. 11.

**Sanction is a fine:**

Answer: No

Code: 1

Explanation: Art. 18 of Decree 597 establishes that international passenger transportation companies must refrain from driving passengers bound for Chile who are not accompanied by the appropriate documentation to enable them to enter the country. If they fail to do so, they must re-embark on their own account the passengers whose entry is refused (Art. 11 Decree 1094).

Sources: Decreto 597 [Decree 597]. 1984. Art. 11.

**Penalty is more than a fine:**

Answer: No

Code: 1

Explanation: Art. 18 of Decree 597 establishes that international passenger transportation companies must refrain from driving passengers bound for Chile who are not accompanied by the appropriate documentation to enable them to enter the country. If they fail to do so, they must re-embark on their own account the passengers whose entry is refused (Art. 11 Decree 1094).

Sources: Decreto 597 [Decree 597]. 1984. Art. 11.

## **4.6. Amnesty programs**

### **IMMIGRATION\_22: Existence of amnesty program.**

**In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?**

Answer: Yes

Code: 1

Explanation: At the end of 2007, a special migratory regularization was established. This one finished in February 2008, around 50,000 people took advantage of this process. The residence granted to them lasted one year, after which they could apply for permanent residence, accrediting the activity carried out in the country during the visa year. A requisite was being a national of one of the following countries: Peru, Argentina, Bolivia, Brazil, Ecuador, Uruguay, Paraguay, Colombia, Venezuela, Panama, Costa Rica, Nicaragua, El Salvador, Honduras, Guatemala, Mexico, Dominican Republic, Cuba, Cayman Islands and Haiti.

Sources: Organización Internacional para las Migraciones. La experiencia de los países suramericanos en materia de regularización migratoria [The Experience of South American Countries Regarding Migration Regularization]. 2013.

**The amnesty program is/was:**

Answer: Exceptional (once in the timeframe analyzed)

Code: 1

Explanation: At the end of 2007, a special migratory regularization was established. This one finished in February 2008, around 50,000 people took advantage of this process. The residence granted to

them lasted one year, after which they could apply for permanent residence, accrediting the activity carried out in the country during the visa year.

Sources: Alfonso, Adriana. Organización Internacional para las Migraciones. La experiencia de los países suramericanos en materia de regularización migratoria [The Experience of South American Countries Regarding Migration Regularization]. Buenos Aires: OIM, 2013. Accessed September 6, 2018.

**Being employed is/was a condition to qualify for the amnesty program:**

Answer: Yes

Code: 1

Explanation: Applicants had to prove they were in one of the following situations: remained in the country with a tourist permit or visa of residence expired; or engaged in gainful employment without having the right to work or a competent authorization; or was in the country with valid tourism permits or with an application for a residence visa pending; or remained in the country in violation of articles 8 or 9 of the Convention on the Transit of Persons in the Chilean-Peruvian Border Zone of Arica-Tacna, or had entered the country irregularly. Irregular entry is understood to be the one that has not been carried out by authorized place, with documents suitable and duly controlled by the migratory authority of the border.

Sources: Alfonso, Adriana. Organización Internacional para las Migraciones. La experiencia de los países suramericanos en materia de regularización migratoria [The Experience of South American Countries Regarding Migration Regularization]. Buenos Aires: OIM, 2013. Accessed September 6, 2018.

**A given duration of stay is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: A requisite was being a national of one of the following countries: Peru, Argentina, Bolivia, Brazil, Ecuador, Uruguay, Paraguay, Colombia, Venezuela, Panama, Costa Rica, Nicaragua, El Salvador, Honduras, Guatemala, Mexico, Dominican Republic, Cuba, Cayman Islands and Haiti. Applicants had to prove they were in one of the following situations: remained in the country with a tourist permit or visa of residence expired; or engaged in gainful employment without having the right to work or a competent authorization; or was in the country with valid tourism permits or with an application for a residence visa pending; or remained in the country in violation of articles 8 or 9 of the Convention on the Transit of Persons in the Chilean-Peruvian Border Zone of Arica-Tacna, or had entered the country irregularly. Irregular entry is understood to be the one that has not been carried out by authorized place, with documents suitable and duly controlled by the migratory authority of the border.

Sources: Alfonso, Adriana. Organización Internacional para las Migraciones. La experiencia de los países suramericanos en materia de regularización migratoria [The Experience of South American Countries Regarding Migration Regularization]. Buenos Aires: OIM, 2013. Accessed September 6, 2018.

**Having a certain nationality is/was a condition to qualify for the amnesty program:**

Answer: Yes

Code: 1

Explanation: A requisite was being a national of one of the following countries: Peru, Argentina, Bolivia, Brasil, Ecuador, Uruguay, Paraguay, Colombia, Venezuela, Panama, Costa Rica, Nicaragua, El Salvador, Honduras, Guatemala, Mexico, Dominican Republic, Cuba, Cayman Islands and Haiti.

Sources: O Alfonso, Adriana. Organización Internacional para las Migraciones. La experiencia de los países suramericanos en materia de regularización migratoria [The Experience of South American Countries Regarding Migration Regularization]. Buenos Aires: OIM, 2013. Accessed September 6, 2018.

**Does a case by case regularization for irregular immigrants existed?**

Answer: No

Code: 0

Explanation: No provision for case by case regularization was found in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Being employed is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**A given duration of stay is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Having a certain nationality is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is regularization through marriage possible:**

Answer: No

Code: 0

Explanation: No provision for regularization through marriage found in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_23. The amnesty defines the types of irregular migrants as:**

Answer: Irregular entry is understood to be the one that has not been carried out by authorized place, with documents suitable and duly controlled by the migratory authority of the border.

Code: Irregular entry is understood to be the one that has not been carried out by authorized place, with documents suitable and duly controlled by the migratory authority of the border.

Explanation: Irregular entry is understood to be the one that has not been carried out by authorized place, with documents suitable and duly controlled by the migratory authority of the border.

Sources: Alfonso, Adriana. Organización Internacional para las Migraciones. La experiencia de los países suramericanos en materia de regularización migratoria [The Experience of South American Countries Regarding Migration Regularization]. Buenos Aires: OIM, 2013. Accessed September 6, 2018.

## **4.7. Administration**

**IMMIGRATION\_24\_1: Administration in charge of immigration regulation.**

**Which institution is in charge of immigration regulation (in original language)?**

Answer: Ministerio del Interior y Seguridad Pública

Code: Ministerio del Interior y Seguridad Pública

Explanation: Immigration matters are regulated at a national level by the Ministry of Interior. The approval of the regulations corresponds normally to the executive power, in this case all Immigration Laws and amendments were approved by the executive. Art. 177 of Decree 597 establishes that the Ministry of Interior will "Propose the national migration policy or foreigners, with a report to the agencies that have interference in each case".

Sources: Decreto 597 [Decree 597]. 1984. Art. 177.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Ministry of Interior and Public Security



## **IMMIGRATION\_24\_2: Administration in charge of implementing immigration policies.**

**Which institution is in charge of the implementation of immigration policies (in original language)?**

Answer: Ministerio del Interior y Seguridad Pública

Code: Ministerio del Interior y Seguridad Pública

Explanation: Immigration matters are regulated at a national level by the Ministry of Interior. The approval of the regulations corresponds normally to the executive power, in this case all Immigration Laws and amendments were approved by the executive. Art. 177 of Decree 597 establishes that the Ministry of Interior will "Propose the national migration policy or foreigners, with a report to the agencies that have interference in each case".

Sources: Decreto 597 [Decree 597]. 1984. Art. 177.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Ministry of Interior and Public Security

## **IMMIGRATION\_24\_3: Administration in charge of border control.**

**Which institution is in charge of border control (in original language)?**

Answer: Carabineros and Policía de Investigaciones de Chile

Code: Carabineros and Policía de Investigaciones de Chile

Explanation: Art. 4 of Decree 597 establishes that "it shall be the responsibility of the Chilean Investigation Police, or Chilean Carabineros in those places where there are no Investigation Police Units, to control the entry and exit of foreigners and to prevent persons who do not meet the requirements from entering or leaving the national territory".

Sources: Decreto 597 [Decree 597]. 1984. Art. 4.

**Which institution is in charge of border control (in English language)?**

Answer: Chilean Investigation Police/Chilean Carabineros

## **IMMIGRATION\_24\_4: Administration in charge of detentions.**

**Which institution is in charge of detentions (in original language)?**

Answer: There is no provision in the regulation for an institution in charge of detentions.

Code: There is no provision in the regulation for an institution in charge of detentions.

Explanation: There is no provision in the regulation for an institution in charge of detentions.

Sources: Decreto 597 [Decree 597]. 1984.

**Which institution is in charge of detentions (in English language)?**

Answer: There is no provision in the regulation for an institution in charge of detentions.

#### **4.8. Proxy: Labor migration (high- and low-skilled)**

**IMMIGRATION\_25: Visas applied to labor migration.**

**Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?**

Answer: Yes

Code: 1

**Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?**

Answer: Yes

Code: 1

##### **4.8.1. Domestic workers**

**Is there a visa scheme (entry track) for domestic workers?**

Answer: Yes

Code: 1

Explanation: Art. 35 of Decree 597 establishes that a resident's visa subject to contract shall be granted to foreigners traveling to the country with the purpose of complying with an employment contract. Likewise, this visa may be granted to those who are in the national territory and who have the purpose of settling. This visa applies for high and low skilled migration.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**IMMIGRATION\_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597) for sponsorship.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?**

Answer: Yes, required

Code: 0.25

Explanation: Art. 36 of Decree 597 establishes that an employment contract is a condition for granting the visa.

Sources: Decreto 597 [Decree 597]. 1984. Art. 36.

**IMMIGRATION\_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No

Code: 1

Explanation: There is not a labor market test, but the state regulates that at least 85% of the workers serving the same employer must be Chilean nationals (Art. 19 Labor Code).

Sources: Código del Trabajo [Labor Code]. 2003. Art. 19.

**IMMIGRATION\_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_30: Restrictions based on age.**

**Are there age limits for migrant domestic workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_31. Is having a certain gender a requisite to be admitted to the country under the do-mestic worker entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_33. Do migrant domestic workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: Not applicable

Code: Not applicable

Explanation: There is not a fix price for the visa application under this track. The cost established will depend on international reciprocity, which means that the costs of these permits in Chile are similar to the costs incurred by any Chilean applying for a residence permit of similar characteristics in the country from which the applicant comes. There is no provision in the immigration regulation about who has to pay this fee, if the employer or the employee. For example: Germany \$75, Argentina \$270, China \$152, Brazil \$100, Ecuador \$230, Mexico \$ 411. (For coding the average fee is counted).

Sources: Ministerio del Interior. Tabla de Aranceles Visas [Visa Tariff Table]. 2017.

**IMMIGRATION\_36. How long is the domestic work permit valid for? Indicate the period in months.**

Answer: 24

Code: 24

Explanation: Art. 39 of Decree 597 establishes that the visa subject to contract will have duration of up to two years and may be extended for equal periods.

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.

**IMMIGRATION\_37. Is it possible to renew the work permit granted under the domestic worker entry track?**

Answer: Yes

Code: 1

Explanation: Art. 39 of Decree 597 establishes that the visa subject to contract will have duration of up to two years and may be extended for equal periods.

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.

### **IMMIGRATION\_38: Possibility of changing jobs.**

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?**

Answer: Yes

Code: 1

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

**Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?**

Answer: Yes

Code: Yes

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?**

Answer: Yes

Code: 1

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

**IMMIGRATION\_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?**

Answer: Yes, right away

Code: 1

Explanation: The withdrawal of permit would be automatically expired without time for for a job search (Art. 39 of Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.

**IMMIGRATION\_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Discrimination based on nationality or migration status is forbidden by the Labor Code (Art. 2).

Sources: Código del Trabajo [Labor Code]. 2003. Art. 2.

**IMMIGRATION\_41. Is a minimum level of education required to apply to the domestic entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_42. Is a test of good health required for migrant domestic worker?**

Answer: Yes

Code: 0

Explanation: Art. 15 and 16 of Decree 597 establishes that a health certificate is needed to grant the visa.

Sources: Decreto 597 [Decree 597]. 1984. Art. 15 and 16.

#### **4.8.2. Agricultural workers**

**Is there a visa scheme (entry track) for agricultural workers?**

Answer: Yes

Code: 1

Explanation: Art. 35 of Decree 597 establishes that a resident's visa subject to contract shall be granted to foreigners traveling to the country with the purpose of complying with an employment contract. Likewise, this visa may be granted to those who are in the national territory and who have the purpose of settling. This visa applies for high and low skilled migration.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**IMMIGRATION\_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597) for sponsorship.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?**

Answer: Yes, required

Code: 0.25

Explanation: Art. 36 of Decree 597 establishes that an employment contract is a condition for granting the visa.

Sources: Decreto 597 [Decree 597]. 1984. Art. 36.

**IMMIGRATION\_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No

Code: 1

Explanation: There is not a labor market test, but the state regulates that at least 85% of the workers serving the same employer must be Chilean nationals (Art. 19 Labor Code).

Sources: Código del Trabajo [Labor Code]. 2003. Art. 19.

**IMMIGRATION\_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_47: Restrictions based on age.**

**Are age limits for migrant agricultural workers in order to be admitted to the country?**



Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_48. Is having a certain gender a requisite to be admitted to the country under this entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_50. Do migrant agricultural workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: depends on nationality of applicant

Code: depends on nationality of applicant

Explanation: There is not a fix price for the visa application under this track. The cost established will depend on international reciprocity, which means that the costs of these permits in Chile are similar to the costs incurred by any Chilean applying for a residence permit of similar characteristics in the country from which the applicant comes. There is no provision in the immigration regulation about who has to pay this fee, if the employer or the employee. For example: Germany \$75, Argentina \$270, China \$152, Brazil \$100, Ecuador \$230, Mexico \$ 411. (For coding the average fee is counted).

Sources: Ministerio del Interior. Tabla de Aranceles Visas [Visa Tariff Table]. 2017.

**IMMIGRATION\_53. How long is the work permit valid for? Indicate the period in months.**

Answer: 24

Code: 24

Explanation: Art. 39 of Decree 597 establishes that the visa subject to contract will have duration of up to two years and may be extended for equal periods.

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.

**IMMIGRATION\_54. Is it possible to renew the work permit granted under the agricultural worker entry track?**

Answer: Yes

Code: 1

Explanation: Art. 39 of Decree 597 establishes that the visa subject to contract will have duration of up to two years and may be extended for equal periods.

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.

#### **IMMIGRATION\_55: Possibility of changing jobs.**

**Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?**

Answer: Yes

Code: 1

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?**

Answer: Yes

Code: 1

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?**

Answer: Yes

Code: 1

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

**IMMIGRATION\_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?**

Answer: Yes, right away

Code: 1

Explanation: The withdrawal of permit would be automatically expired without time for for a job search (Art. 39 of Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.

**IMMIGRATION\_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Discrimination based on nationality or migration status is forbidden by the Labor Code (Art. 2).

Sources: Código del Trabajo [Labor Code]. 2003. Art. 2.

**IMMIGRATION\_58. Is a minimum level of education required to apply to the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_59. Is a test of good health required for migrant agricultural workers?**

Answer: Yes

Code: 0

Explanation: Decree 15 and 16 establishes that a health certificate is needed for granting the visa.

Sources: Decreto 597 [Decree 597]. 1984. Art. 15- and 16.

### **4.8.3. Medical doctors**

**Is there a visa scheme (entry track) for medical doctors?**

Answer: Yes

Code: 1

Explanation: Art. 35 of Decree 597 establishes that a resident's visa subject to contract shall be granted to foreigners traveling to the country with the purpose of complying with an employment contract. Likewise, this visa may be granted to those who are in the national territory and who have the purpose of settling. This visa applies for high and low skilled migration.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**IMMIGRATION\_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597) for sponsorship.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: Art. 36 of Decree 597 establishes that an employment contract is a condition for granting the visa.

Sources: Decreto 597 [Decree 597]. 1984. Art. 36.

**IMMIGRATION\_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?**

Answer: No

Code: 1

Explanation: There is not a labor market test, but the state regulates that at least 85% of the workers serving the same employer must be Chilean nationals (Art. 19 Labor Code).

Sources: Código del Trabajo [Labor Code]. 2003. Art. 19.

**IMMIGRATION\_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_64: Restrictions based on age.**

**Are there age limits for migrant medical doctors to be admitted to the country?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_67. Do migrant medical doctors need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No provision in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: Not applicable

Code: Not applicable

Explanation: There is not a fix price for the visa application under this track. The cost established will depend on international reciprocity, which means that the costs of these permits in Chile are similar to the costs incurred by any Chilean applying for a residence permit of similar characteristics in the country from which the applicant comes. There is no provision in the immigration regulation about who has to pay this fee, if the employer or the employee. For example: Germany \$75, Argentina \$270, China \$152, Brazil \$100, Ecuador \$230, Mexico \$ 411. (For coding the average fee is counted).

Sources: Ministerio del Interior. Tabla de Aranceles Visas [Visa Tariff Table]. 2017.

**IMMIGRATION\_70. How long is the medical doctor work permit valid for? Indicate the period in months.**

Answer: 24

Code: 24

Explanation: Art. 39 of Decree 597 establishes that the visa subject to contract will have duration of up to two years and may be extended for equal periods.

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.

**IMMIGRATION\_71. Is it possible to renew the work permit granted under the medical doctor entry track?**

Answer: Yes

Code: 1

Explanation: Art. 39 of Decree 597 establishes that the visa subject to contract will have duration of up to two years and may be extended for equal periods.

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.

#### **IMMIGRATION\_72: Possibility of changing jobs.**

**Is it possible for a migrant medical doctor to switch employers?**

Answer: Yes

Code: 1

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

**Is it possible for a migrant medical doctor to switch professional sectors?**

Answer: Yes

Code: 1

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

**Is it possible for a migrant medical doctor to switch locations?**

Answer: Yes

Code: 1

Explanation: As soon as they change the employer/sector/location this must be communicated to the Department of Foreign Affairs and Migration.

Sources: Consultation with expert, Gobernación provincial of Parinacota. February 22, 2019.

#### **IMMIGRATION\_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?**

Answer: Yes, right away

Code: 1

Explanation: The withdrawal of permit would be automatically expired without time for for a job search (Art. 39 of Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 39.



**IMMIGRATION\_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Discrimination based on nationality or migration status is forbidden by the Labor Code (Art. 2).

Sources: Código del Trabajo [Labor Code]. 2003. Art. 2.

**IMMIGRATION\_75. Is a minimum level of education required to apply to the medical doctor entry track?**

Answer: Yes

Code: 0

Explanation: Art. 365 of Decree 597 establishes that for granting visas for specialized professionals, applicants must prove their status as such. Besides in order to practice medicine foreign doctors have to approve the National Single Test of Medical Knowledge (Examen Único de Conocimientos de Medicina).

Sources: Decreto 597 [Decree 597]. 1984. Art. 365.

**IMMIGRATION\_76. Is a test of good health required for migrant medical doctors?**

Answer: Yes

Code: 1

Explanation: Decree 15 and 16 establishes that a health certificate is needed for granting the visa.

Sources: Decreto 597 [Decree 597]. 1984. Art. 15 and 16.

## **4.9. Proxy: Refugees**

### **4.9.1. Existence of track**

**IMMIGRATION\_77. Does the country grant refugee status?**

Answer: Yes

Code: 1

Explanation: The refugee protection is regulated by Law 20.430 and the Decree 837.

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

**IMMIGRATION\_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Law 20430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

**IMMIGRATION\_79: Safe countries of origin.**

**Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Law 20430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

**How many countries?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.9.2. Restrictions**

**IMMIGRATION\_80: Refugee status restricted for certain nationalities.**

**Is refugee status restricted to certain nationalities?**

Answer: No

Code: 1

Explanation: No restriction to certain nationalities in main regulations (Law 20430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

**Which nationalities?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_81: Restrictions based on age.**

**Are there age limits for potential refugees to be admitted to the country?**

Answer: No

Code: 1

Explanation: No restrictions based on age in main regulations (Law 20430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Law 20430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

**Below which age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_82. Is having a certain gender a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No restrictions based on gender in main regulations (Law 20430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

**IMMIGRATION\_83. Is having a certain marital status a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No restrictions based on marital status in main regulations (Law 20430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

### **4.9.3. Place of application**

**IMMIGRATION\_84: Place of application**

**Can asylum seekers file an application for asylum from outside the destination country's territory?**

Answer: No

Code: 0

Explanation: Art. 1 of Decree 837 establishes that the application for asylum must be file at the border or in Chilean territory.

Sources: Decreto 837 [Decree 837]. 2010. Art. 1.

**Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?**

Answer: Yes

Code: 1

Explanation: Art. 1 of Decree 837 establishes that the application for asylum must be filed at the border or in Chilean territory.

Sources: Decreto 837 [Decree 837]. 2010. Art. 1.

#### **Can asylum seekers file an application for asylum on the destination country's territory?**

Answer: Yes

Code: 1

Explanation: Art. 1 of Decree 837 establishes that the application for asylum must be filed at the border or in Chilean territory.

Sources: Decreto 837 [Decree 837]. 2010. Art. 1.

### **4.9.4. Permit validity**

#### **IMMIGRATION\_85. How long is the initial residence permit for recognized refugees valid for?**

Answer: Permanent

Code: 1

Explanation: Art. 47 of Decree 837 establishes that the persons who have been recognized as refugees and their family members will be granted a permanent residence permit.

Sources: Decreto 837 [Decree 837]. 2010. Art. 47.

#### **IMMIGRATION\_86: Permit renewal.**

##### **Is it possible to renew a temporary residence permit?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Is it possible to apply for a permanent resident permit for recognized refugees?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?**

Answer: Yes

Code: 0

Explanation: Art. 17 of Decree 837 establishes that the refugee status of a person shall cease if the threatening situation in country of origin has been resolved.

Sources: Decreto 837 [Decree 837]. 2010. Art. 17.5 and 17.6.

#### **4.9.5. Maximum timeframe for application resolution**

**IMMIGRATION\_88: Timeframe for resolution.**

**Is there a maximum of days to process the application of asylum seekers?**

Answer: No

Code: 0

Explanation: There is no provision in the refugee regulation about maximum day to process the application for asylum seekers. They will first give the asylum seeker permission for eight months with a temporary visa that can be extended for the same period (Art. 32 of Decree 837).

Sources: Decreto 837 [Decree 837]. 2010. Art. 32.

**What is the maximum of days?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.9.6. Possibility to change migratory status**

**IMMIGRATION\_89. If an application on refugee status is rejected, does the applicant have the right to appeal?**

Answer: Yes

Code: 1

Explanation: Art. 43 of Law 20.430 establishes that "Without prejudice to the appropriate constitutional actions, in accordance with the provisions of articles 20 and 21 of the Political Constitution of the Republic, against resolutions that deny, revoke, cancel or terminate the refugee status, it may be appealed via administrative, in accordance with article 59 of the law N ° 19.880, which establishes the Bases of Administrative Procedures that govern the Acts of the Bodies of the State Administration".

Sources: Ley 20430 [Law 20430]. 2010. Art. 43.

#### **IMMIGRATION\_90. Is it possible for recognized refugees to change their migratory status?**

Answer: Not applicable

Code: Not applicable

Explanation: As soon as a refugee status is granted they obtain automatically a permanent residence permit (Art. 47 Decree 837).

Sources: Decreto 837 [Decree 837]. 2010. Art. 47.

### **4.9.7. Detention**

#### **IMMIGRATION\_91: Detention**

##### **Are asylum seekers detained while their claims are being processed?**

Answer: No

Code: 4

Explanation: No provision for detention in main regulations (Law 20.430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

##### **Are asylum seekers detained after their claims are processed?**

Answer: No

Code: 2

Explanation: No provision for detention in main regulations (Law 20.430 and Decree 837).

Sources: Ley 20430 [Law 20430]. 2010. / Decreto 837 [Decree 837]. 2010.

### **4.9.8. Status after rejection**

**IMMIGRATION\_92. What is the status of asylum seekers whose applications are rejected?**

Answer: Issued a temporary certificate and possibility of applying to other visa

Code: 3

Explanation: Art. 50 of Decree 837 establish that " Those applicants seeking for a refugee status, who have not obtained such status, may apply for a residence permit in the country, of conformity with the legislation that establishes rules on foreigners in Chile, in a term of thirty days counted from the moment it is executed the resolution that rejects the recognition of refugee status".

Sources: Decreto 837 [Decree 837]. 2010. Art. 50.

**IMMIGRATION\_93. Do asylum seekers have the possibility to work during the process of application?**

Answer: Yes

Code: 1

Explanation: Art. 17 of Decree 837 establishes that applicants for refugee status, refugees and their families will have the right to access health, education, housing and work, either as dependent workers or on their own, on equal terms with other foreigners.

Sources: Decreto 837 [Decree 837]. 2010. Art. 50.

#### **4.9.9. Translation and interpretation**

**IMMIGRATION\_94. Does the state provide official translation or interpretation for the process of asylum seekers?**

Answer: Yes

Code: 1

Explanation: Translation and interpretation are offered when the asylum seeker is informed about the asylum seeking procedure and during the individual interview (Art. 38 of Decree 837).

Sources: Decreto 837 [Decree 837]. 2010. Art. 50.

#### **4.10. Proxy: Co-ethnics**

##### **4.10.1. General**

**IMMIGRATION\_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).**



**Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?**

Answer: No

Code: 0

Explanation: No provision for co-ethnic in main regulation (Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRATION\_96. Register the name of the group(s).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**4.10.2. Reasons for co-ethnicity**

**IMMIGRATION\_97. Reasons for co-ethnicity.**

**Shared language:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Shared religion:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Shared ancestry:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Citizen of former colony:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**III treatment by country in the past:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Self-declaration: avowal to be of country's ethnicity:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Other:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_98. May converts apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.3. Language test**

**IMMIGRATION\_100. What is the required level of language skills?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.4. Place of residence**

**IMMIGRATION\_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.5. Place of application**

**IMMIGRATION\_102. Place of application.**

**Can applicants file an application from outside the territory of the host country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can applicants file an application on host country's territory?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.6. Date of birth**

**IMMIGRATION\_103. Do applicants need to be born before or after a certain date to be eligible?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.7. Permit validity**

**IMMIGRATION\_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_105. Permit renewal.**

**Is it possible to renew a temporary residence permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible to apply for a permanent resident permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 5. Immigrant policies

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### 5.1. Permanent residence

#### 5.1.1. Eligibility

**IMMIGRANT\_1: General existence of a permanent residence scheme.**

Answer: Yes

Code: 1

Explanation: Art. 80-86 of Decree 597 regulates the permanent residence scheme for immigrants.

Sources: Decreto 597 [Decree 597]. 1984. Art. 80-86.

**IMMIGRANT\_2: Existence of a permanent residence scheme for different proxies.**

**Do asylum seekers have access to permanent residence?**

Answer: No

Code: 0

Explanation: Asylum seekers can only obtain a temporary visa for a period of eight months which may be extended for equal periods (Art. 32 Decree 837).

Sources: Decreto 837 [Decree 837]. 2010. Art. 32.

**Do refugees have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Persons who have been recognized as refugees and their family members, are granted a permanent residence permit (Art. 47 of Decree 837).

Sources: Decreto 837 [Decree 837]. 2010. Art. 47.

**Do co-ethnics have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Permanent residence ("definitive residence") is granted to foreigners that have completed 2 years of residence in the country (Art. 80 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 80.

**Do agricultural workers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Permanent residence ("definitive residence") is granted to foreigners that have completed 2 years of residence in the country (Art. 80 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 80.

**Do medical doctors have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Permanent residence ("definitive residence") is granted to foreigners that have completed 2 years of residence in the country (Art. 80 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 80.

**IMMIGRANT\_3: Required time of habitual residence.**

**How many months of habitual residence are required from asylum seekers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from refugees for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Permanent residence is recognized as soon as the refugee status is granted.

Sources: Decreto 837 [Decree 837]. 2010. Art. 47.

**How many months of habitual residence are required from co-ethnics for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from domestic workers for accessing permanent residence?**

Answer: 24

Code: 24

Explanation: Immigrants may apply for a definitive permanence permit when they have completed 2 years of residence in the country.

Sources: Decreto 597 [Decree 597]. 1984. Art. 80.

**How many months of habitual residence are required from agricultural workers for accessing permanent residence?**

Answer: 24

Code: 24

Explanation: Immigrants may apply for a definitive permanence permit when they have completed 2 years of residence in the country.

Sources: Decreto 597 [Decree 597]. 1984. Art. 80.

**How many months of habitual residence are required from medical doctors for accessing permanent residence?**

Answer: 24

Code: 24



Explanation: Immigrants may apply for a definitive permanence permit when they have completed 2 years of residence in the country.

Sources: Decreto 597 [Decree 597]. 1984. Art. 80.

#### **IMMIGRANT\_4: Periods of absence allowed.**

**Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is**

**allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 6

Code: 6

Explanation: 180 days of absence in the previous year of residence.

Sources: Decreto 597 [Decree 597]. 1984. Art. 82.

**Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 6

Code: 6

Explanation: 180 days of absence in the previous year of residence.

Sources: Decreto 597 [Decree 597]. 1984. Art. 82.

**Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 6

Code: 6

Explanation: 180 days of absence in the previous year of residence.

Sources: Decreto 597 [Decree 597]. 1984. Art. 82.

#### **IMMIGRANT\_5. Result of a regularization process.**

**The regularization process leads to:**

Answer: temporal residence permit

Code: 0.25

Explanation: At the end of 2007, a special migratory regularization was established. This one finished in February 2008, around 50,000 people took advantage of this process. The residence granted to them lasted one year, after which they could apply for permanent residence, accrediting the activity carried out in the country during the visa year.

Sources: Alfonso, Adriana. Organización Internacional para las Migraciones. La experiencia de los países suramericanos en materia de regularización migratoria [The Experience of South American Countries Regarding Migration Regularization]. Buenos Aires: OIM, 2013. Accessed September 6, 2018.

#### **IMMIGRANT\_6: Language test.**

##### **Is there a language requirement for asylum seekers to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Is there a language requirement for refugees to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: Recognized refugees have access to permanent residence directly after refugee status has been granted. There is no language requirement to access refugee status.

Sources: Decreto 837 [Decree 837]. 2010.

##### **Is there a language requirement for co-ethnics to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Is there a language requirement for domestic workers to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

##### **Is there a language requirement for co-ethnics to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Is there a language requirement for medical doctors to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRANT\_7: Economic resources.**

**Is there an economic resources requirement for applying to permanent residence for asylum seekers?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for refugees?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: Recognized refugees have access to permanent residence directly after refugee status has been granted. There is no economic resources requirement to access refugee status.

Sources: Decreto 837 [Decree 837]. 2010.

**Is there an economic resources requirement for applying to permanent residence for co-ethnics?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for domestic workers?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Having a job contract is a requisite to apply for permanent residence in the case of immigrant workers.

Sources: Departamento de Extranjería y Migración. "Requisitos de Permanencia Definitiva Por Correo Para Residentes con Contrato como Dependiente [Definitive Permanence Requirements By Mail For Residents with Contract as Dependent]". Accessed 11 September 2018.  
<http://www.extranjeria.gob.cl/media/2018/03/Requisitos-De-Permanencia-Definitiva-Por-Correo-Para-Residentes-Con-Contrato-Como-Dependiente.pdf>.

**Is there an economic resources requirement for applying to permanent residence for agricultural workers?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Having a job contract is a requisite to apply for permanent residence in the case of immigrant workers.

Sources: Departamento de Extranjería y Migración. "Requisitos de Permanencia Definitiva Por Correo Para Residentes con Contrato como Dependiente [Definitive Permanence Requirements By Mail For Residents with Contract as Dependent]". Accessed 11 September 2018.  
<http://www.extranjeria.gob.cl/media/2018/03/Requisitos-De-Permanencia-Definitiva-Por-Correo-Para-Residentes-Con-Contrato-Como-Dependiente.pdf>.

**Is there an economic resources requirement for applying to permanent residence for medical doctors?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Having a current job contract is a requisite to apply for permanent residence in the case of immigrant workers.

Sources: Departamento de Extranjería y Migración. "Requisitos de Permanencia Definitiva Por Correo Para Residentes con Contrato como Dependiente [Definitive Permanence Requirements By Mail For Residents with Contract as Dependent]". Accessed 11 September 2018.  
<http://www.extranjeria.gob.cl/media/2018/03/Requisitos-De-Permanencia-Definitiva-Por-Correo-Para-Residentes-Con-Contrato-Como-Dependiente.pdf>.

**IMMIGRANT\_8: Cost of application.**

**What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?**

Answer: 71215

Code: 71215

Explanation: The cost of the permit is equivalent to 40% of a minimum income for non-remunerative purposes (71,215 pesos chilenos -\$102,17 approximately).

Sources: Portal Chile Atiende. "Permiso de residencia permanente para extranjeros en Chile (Permanencia Definitiva) [Permanent Residence Permit for Foreigners in Chile (Permanent Residence)]". Accessed September 11, 2018. <https://www.chileatiende.gob.cl/fichas/3820-permanencia-definitiva-de-extranjeros-residentes-en-chile>.

**What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?**

Answer: 102.17

Code: 102.17

Explanation: The cost of the permit is equivalent to 40% of a minimum income for non-remunerative purposes (71,215 pesos chilenos -\$102,17 approximately).

Sources: Portal Chile Atiende. "Permiso de residencia permanente para extranjeros en Chile (Permanencia Definitiva) [Permanent Residence Permit for Foreigners in Chile (Permanent Residence)]". Accessed September 11, 2018. <https://www.chileatiende.gob.cl/fichas/3820-permanencia-definitiva-de-extranjeros-residentes-en-chile>.

#### **IMMIGRANT\_9: Employer sponsorship.**

**Do asylum seekers have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Recognized refugees have access to permanent residence directly after refugee status has been granted. Sponsorship is not required to access refugee status.

Sources: Decreto 837 [Decree 837]. 2010.

**Do co-ethnics have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: No provision for sponsorship in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Do agricultural workers have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: No provision for sponsorship in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Do medical doctors have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: No provision for sponsorship in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

### **5.1.2. Security of status**

**IMMIGRANT\_10: Maximum length of application procedure.**

**Maximum length of application procedure for asylum seekers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for asylum seekers:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees in months:**

Answer: 997

Code: 997

Explanation: Recognized refugees have access to permanent residence directly after refugee status has been granted.

Sources: Decreto 597 [Decree 597]. 1984.

**Maximum length of application procedure for refugees:**

Answer: no regulation on maximum length

Code: 0

Explanation: Recognized refugees have access to permanent residence directly after refugee status has been granted.

Sources: Decreto 837 [Decree 837]. 2010.

**Maximum length of application procedure for co-ethnics in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for co-ethnics:**



Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers in months:**

Answer: 997

Code: 997

Explanation: No regulation on maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Maximum length of application procedure for domestic workers:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Maximum length of application procedure for agricultural workers in months:**

Answer: 997

Code: 997

Explanation: No regulation on maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Maximum length of application procedure for agricultural workers:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Maximum length of application procedure for medical doctors in months:**

Answer: 997

Code: 997

Explanation: No regulation on maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Maximum length of application procedure for medical doctors:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRANT\_11: Grounds for rejection.**

**Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:**

Answer: no

Code: 0

Explanation: Art. 80 of Decree 597 establishes that permanent residence will not be granted to those that fall under the categories of Title VII of the Decree. These categories include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRANT\_12: Legal guarantees.**

**Rejection of applications must be reasoned:**

Answer: no

Code: 0

Explanation: In the event that the application is rejected, it has the option of requesting a reconsideration of the measure ordered, accompanied by new information that allows a review of the decision made by the authority. For cases in which the requested benefit has been rejected, it will have the option of requesting, only once, a reconsideration or "appeal" to the measure ordered.

Sources: Departamento de Extranjería y Migración. "Requisitos para reconsideración de rechazo de solicitud de permanencia definitiva por Correo [Requirements for Reconsideration of Rejection of

Definitive Permanence Request by Mail]". Accessed September 11, 2018.  
<http://www.extranjeria.gob.cl/media/2018/02/Requisitos-Para-Reconsideracio%CC%81n-De-Rechazo-De-Solicitud-De-Permanencia-Definitiva-Por-Correo.pdf>.

**Rejected applicants have the right to appeal:**

Answer: yes

Code: 1

Explanation: In the event that the application is rejected, it has the option of requesting a reconsideration of the measure ordered, accompanied by new information that allows a review of the decision made by the authority. For cases in which the requested benefit has been rejected, it will have the option of requesting, only once, a reconsideration or "appeal" to the measure ordered.

Sources: Departamento de Extranjería y Migración. "Requisitos para reconsideración de rechazo de solicitud de permanencia definitiva por Correo [Requirements for Reconsideration of Rejection of Definitive Permanence Request by Mail]". Accessed September 11, 2018.  
<http://www.extranjeria.gob.cl/media/2018/02/Requisitos-Para-Reconsideracio%CC%81n-De-Rechazo-De-Solicitud-De-Permanencia-Definitiva-Por-Correo.pdf>.

**IMMIGRANT\_13: Expulsion is precluded for victims of violence or crime.**

**Expulsion is precluded for immigrants of all categories who are victims of violence or crime:**

Answer: no

Code: 0

Explanation: There is no provision in the immigration regulations for this matter.

Sources: Decreto 597 [Decree 597]. 1984.

## **5.2. Policies of representation**

**IMMIGRANT\_14: Regulation of electoral rights.**

**Subnational electoral rights can be regulated at the subnational level:**

Answer: no

Code: 0

Explanation: Electoral rights are regulated at a national level.

Sources: Decreto 597 [Decree 597]. 1984.

### 5.2.1. Electoral rights

#### IMMIGRANT\_15: Voting eligibility for non-citizens.

**Does the country have presidential elections?**

Answer: yes

Code: 1

**Does the country have a bicameral system (composed of a Lower House and an Upper House)?**

Answer: yes

Code: 1

**Can non-citizen residents vote in national presidential elections?**

Answer: generally enfranchised with duration-based restrictions

Code: 0.75

Explanation: Art. 14 of the Chilean Constitution establishes that foreigners living in Chile for more than five years can vote in all national (legislative and presidential) elections.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 14.

**Can non-citizen residents vote in national legislative elections (Lower House)?**

Answer: generally enfranchised with duration-based restrictions

Code: 0.75

Explanation: Art. 14 of the Chilean Constitution establishes that foreigners living in Chile for more than five years can vote in all national (legislative and presidential) elections.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 14.

**Can non-citizen residents vote in national legislative elections (Upper House)?**

Answer: generally enfranchised with duration-based restrictions

Code: 0.75

Explanation: Art. 14 of the Chilean Constitution establishes that foreigners living in Chile for more than five years can vote in all national (legislative and presidential) elections.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 14.

#### **IMMIGRANT\_16: Residence duration-based requirements for active electoral rights.**

##### **Previous residence required for being eligible to vote in presidential elections:**

Answer: between 4 and 6 years

Code: 0.6

Explanation: Art. 14 of the Chilean Constitution establishes that foreigners living in Chile for more than five years can vote in all national (legislative and presidential) elections.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 14.

##### **Previous residence required for being eligible to vote in Lower House elections:**

Answer: between 4 and 6 years

Code: 0.6

Explanation: Art. 14 of the Chilean Constitution establishes that foreigners living in Chile for more than five years can vote in all national (legislative and presidential) elections.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 14.

##### **Previous residence required for being eligible to vote in Upper House elections:**

Answer: between 4 and 6 years

Code: 0.6

Explanation: Art. 14 of the Chilean Constitution establishes that foreigners living in Chile for more than five years can vote in all national (legislative and presidential) elections.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 14.

#### **IMMIGRANT\_17: Registration in the electoral roll for non-citizen residents.**

##### **Registration in the electoral roll for non-citizen residents:**

Answer: automatic registration

Code: 1

Explanation: Art. 6 of the Constitution establishes that foreigners will be registered in the Electoral Registry as soon as it is accredited that they meet the settlement requirements (i.e. five years of residence).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 6.

#### **IMMIGRANT\_18: Passive electoral rights for non-citizen residents.**

##### **Can non-citizen residents stand as candidates in national presidential elections?**

Answer: generally disenfranchised

Code: 0

Explanation: The Chilean Constitution establishes that in order to be elected President of the Republic Chilean nationality is required (Art. 25).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 24.

##### **Can non-citizen residents stand as candidates in national legislative elections (Lower House)?**

Answer: generally disenfranchised

Code: 0

Explanation: The Chilean Constitution establishes that in order to be elected deputy it is required Chilean nationality (Art. 48).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 48.

##### **Can non-citizen residents stand as candidates in national legislative elections (Upper House)?**

Answer generally disenfranchised

Code: 0

Explanation: The Chilean Constitution establishes that in order to be elected Senator Chilean nationality is required (Art. 50).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 50.

#### **IMMIGRANT\_19: Residence duration-based restrictions for passive electoral rights.**

##### **Previous residence required for being eligible to stand as candidate in presidential elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to stand as candidate in Lower House elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **5.2.2. Regulation of participation in parties**

**IMMIGRANT\_20: Emigrant membership to home country political parties.**

**Non-citizen resident membership to state or reception political parties:**

Answer: legally allowed and same status for citizens and non-citizen residents

Code: 1

Explanation: They do after five years of residence. Art. 18 of the Constitution establishes that in order to join a political party, it is required to be a citizen with the right to vote or a foreigner residing in Chile for more than five years.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 18.

### **5.2.3. Consultative bodies**

**IMMIGRANT\_21: Existence of a consultative body of immigrants acting at the national level.**

**Existence of a consultative body on immigrant issues:**

Answer: no

Code: 0

Explanation: The Consultative Body (Consejo Consultivo de Migraciones) existed from 2015 until 2017. The government suppressed this organism by Resolution N. 1957 in April 2018.

Sources: Reglamento consejo consultivo nacional de migraciones [Regulation of the National Migration Advisory Council]. 2015.

## **IMMIGRANT\_22: Structural or ad hoc consultation.**

### **The consultation is:**

Answer: structural

Code: 1

Explanation: Sessions of the Council would be held at least 5 times a year. It could be convened to extraordinary sessions as well.

Sources: Reglamento consejo consultivo nacional de migraciones [Regulation of the National Migration Advisory Council]. 2015. Art. 25.

## **IMMIGRANT\_23: Composition of the consultative body.**

### **Composition of the consultative body:**

Answer: mixed (immigrants and representatives of the government and other institutions)

Code: 0.75

Explanation: The Council was composed of eighteen members: Ten representatives of territorial, social and/or trade union organizations; Four representatives of non-governmental organizations working with migrants; Four representatives of Universities, Institutes and/or Study Centers that are devoted to the issue of migration.

Sources: Reglamento consejo consultivo nacional de migraciones [Regulation of the National Migration Advisory Council]. 2015. Art. 3.

## **IMMIGRANT\_24: Leadership of the consultative body.**

### **Who chairs the consultative body?**

Answer: member of the government

Code: 0.25

Explanation: Sessions were chaired by the Secretary, who should be designated by the Chief of the Department of Foreign Affairs and Migration.

Sources: Reglamento consejo consultivo nacional de migraciones [Regulation of the National Migration Advisory Council]. 2015. Art. 23.

## **IMMIGRANT\_25: Right of initiative to make its own reports or recommendations.**

### **The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: no



Code: 0

Explanation: No provision in main regulations.

Sources: Reglamento consejo consultivo nacional de migraciones [Regulation of the National Migration Advisory Council]. 2015.

**IMMIGRANT\_26: Right to get a response from the government to recommendation.**

**Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Reglamento consejo consultivo nacional de migraciones [Regulation of the National Migration Advisory Council]. 2015.

**IMMIGRANT\_27: Selection criteria to ensure representativeness.**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: yes

Code: 1

Explanation: In the integration of the Council there was a maximum quota of sixty per year of posts for the same gender, thus promoting participation in the decision-making process equal number of women and men.

Sources: Reglamento consejo consultivo nacional de migraciones [Regulation of the National Migration Advisory Council]. 2015. Art. 4.

**Existence of selection criteria to ensure a geographic-balanced consultative body:**

Answer: yes

Code: 1

Explanation: Yes, one out of every four Councilors could not be from the Metropolitan Region.

Sources: Reglamento consejo consultivo nacional de migraciones [Regulation of the National Migration Advisory Council]. 2015. Art. 4.

### **5.3. Economic policies**

#### **5.3.1. Access to labor market**

**IMMIGRANT\_28: Migrant access to labor market.**

**Can asylum seekers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Asylum seekers and refugees have access to the labor market (Art. 17 Decree 837). Art. 19 of Labor Code establishes that eighty-five per cent, at the very least, of the workers who serve the same employer shall have Chilean nationality. The employer which employs less than 25 workers is exempted from this provision.

Sources: Decreto 837 [Decree 837]. 2010. Art. 17.

**Can refugees access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Asylum seekers and refugees have access to the labor market (Art. 13 Decree 837). Art. 19 of Labor Code establishes that eighty-five per cent, at the very least, of the workers who serve the same employer shall have Chilean nationality. The employer which employs less than 25 workers is exempted from this provision.

Sources: Decreto 837 [Decree 837]. 2010. Art. 13.

**Can co-ethnics access the labor market?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Art. 19 of Labor Code establishes that eighty-five per cent, at the very least, of the workers who serve the same employer shall have Chilean nationality. The employer which employs less than 25 workers is exempted from this provision.

Sources: Código del Trabajo [Labor Code]. 2003. Art. 19.

#### **Can agricultural workers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Art. 19 of Labor Code establishes that eighty-five per cent, at the very least, of the workers who serve the same employer shall have Chilean nationality. The employer which employs less than 25 workers is exempted from this provision.

Sources: Código del Trabajo [Labor Code]. 2003. Art. 19.

#### **Can medical doctors access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Art. 19 of Labor Code establishes that eighty-five per cent, at the very least, of the workers who serve the same employer shall have Chilean nationality. The employer which employs less than 25 workers is exempted from this provision.

Sources: Código del Trabajo [Labor Code]. 2003. Art. 19.

#### **Can permanent residents access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Art. 19 of Labor Code establishes that eighty-five per cent, at the very least, of the workers who serve the same employer shall have Chilean nationality. The employer which employs less than 25 workers is exempted from this provision.

Sources: Código del Trabajo [Labor Code]. 2003. Art. 19.

#### **IMMIGRANT\_29: Migrant access to self-employment.**

##### **Can asylum seekers access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Art. 13 of Decree 837 recognizes the right of refugees and asylum seekers to access dependent or self-employed work.

Sources: Decreto 837 [Decree 837]. 2010. Art. 13.

#### **Can refugees access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Art. 13 of Decree 837 recognizes the right of refugees and asylum seekers to access dependent or self-employed work.

Sources: Decreto 837 [Decree 837]. 2010. Art. 13.

#### **Can co-ethnics access self-employment?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers access self-employment?**

Answer: no

Code: 0

Explanation: This proxy and visa entry is subject to a contract (Art. 35 Decree 597). Therefore it is not possible to be self-employed or freelancer.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

#### **Can agricultural workers access self-employment?**

Answer: no

Code: 0

Explanation: This proxy and visa entry is subject to a contract (Art. 35 Decree 597). Therefore it is not possible to be self-employed or freelancer.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

#### **Can medical doctors access self-employment?**

Answer: no

Code: 0

Explanation: This proxy and visa entry is subject to a contract (Art. 35 Decree 597). Therefore it is not possible to be self-employed or freelancer.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

### **Can permanent residents access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: This right comes with permanente residence: the definitive stay is the permission granted to foreigners to settle indefinitely in the country and develop any kind of activities.

Sources: Decreto 597 [Decree 597]. 1984. Art. 80.

### **IMMIGRANT\_30: Migrant access to civil service.**

#### **Can asylum seekers access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: A recognition of the qualifications for teaching has to be conducted (Art. 3 of Decree 352).

Sources: Decreto 352 [Decree 352]. 2004. Art. 3.

#### **Can refugees access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: A recognition of the qualifications for teaching has to be conducted (Art. 3 of Decree 352).

Sources: Decreto 352 [Decree 352]. 2004. Art. 3.

#### **Can co-ethnics access employment in schools (primary and secondary)?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: A recognition of the qualifications for teaching has to be conducted (Art. 3 of Decree 352).

Sources: Decreto 352 [Decree 352]. 2004. Art. 3.

**Can agricultural workers access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: A recognition of the qualifications for teaching has to be conducted (Art. 3 of Decree 352).

Sources: Decreto 352 [Decree 352]. 2004. Art. 3.

**Can medical doctors access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: A recognition of the qualifications for teaching has to be conducted (Art. 3 of Decree 352).

Sources: Decreto 352 [Decree 352]. 2004. Art. 3.

**Can permanent residents access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: A recognition of the qualifications for teaching has to be conducted (Art. 3 of Decree 352).

Sources: Decreto 352 [Decree 352]. 2004. Art. 3.

**Can asylum seekers access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Generally, only Chilean citizens can access public administration posts. However, in exceptional cases determined by the authority called upon to make the appointment, foreigners who possess scientific knowledge or special character for a post may be designated.

Sources: Ley 18834 [Law 18834]. 1989. Art. 11.

#### **Can refugees access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Generally, only Chilean citizens can access public administration posts. However, in exceptional cases determined by the authority called upon to make the appointment, foreigners who possess scientific knowledge or special character for a post may be designated.  
only Chilean citizens can access public administration posts. However, in cases of exception determined by the authority called upon to make the appointment, may to be designated in hiring jobs to foreigners who possess scientific knowledge or special character.

Sources: Ley 18834 [Law 18834]. 1989. Art. 11.

#### **Can co-ethnics access employment in public administration?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Generally, only Chilean citizens can access public administration posts. However, in exceptional cases determined by the authority called upon to make the appointment, foreigners who possess scientific knowledge or special character for a post may be designated.

Sources: Ley 18834 [Law 18834]. 1989. Art. 11.

#### **Can agricultural workers access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Generally, only Chilean citizens can access public administration posts. However, in exceptional cases determined by the authority called upon to make the appointment, foreigners who possess scientific knowledge or special character for a post may be designated.

Sources: Ley 18834 [Law 18834]. 1989. Art. 11.

#### **Can medical doctors access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Generally, only Chilean citizens can access public administration posts. However, in exceptional cases determined by the authority called upon to make the appointment, foreigners who possess scientific knowledge or special character for a post may be designated.

Sources: Ley 18834 [Law 18834]. 1989. Art. 11.

#### **Can permanent residents access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Generally, only Chilean citizens can access public administration posts. However, in exceptional cases determined by the authority called upon to make the appointment, foreigners who possess scientific knowledge or special character for a post may be designated.

Sources: Ley 18834 [Law 18834]. 1989. Art. 11.

#### **Can asylum seekers access employment in the police?**

Answer: no

Code: 0

Explanation: In order to belong to the Carabineros it is required to be Chilean (Art. 9 Law 18961).

Sources: Ley 18961 [Law 18961]. 1990. Art. 9.

#### **Can refugees access employment in the police?**

Answer: no

Code: 0

Explanation: In order to belong to the Carabineros it is required to be Chilean (Art. 9 Law 18961).

Sources: Ley 18961 [Law 18961]. 1990. Art. 9.



**Can co-ethnics access employment in the police?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access employment in the police?**

Answer: no

Code: 0

Explanation: In order to belong to the Carabineros it is required to be Chilean (Art. 9 Law 18961).

Sources: Ley 18961 [Law 18961]. 1990. Art. 9.

**Can agricultural workers access employment in the police?**

Answer: no

Code: 0

Explanation: In order to belong to the Carabineros it is required to be Chilean (Art. 9 Law 18961).

Sources: Ley 18961 [Law 18961]. 1990. Art. 9.

**Can medical doctors access employment in the police?**

Answer: no

Code: 0

Explanation: In order to belong to the Carabineros it is required to be Chilean (Art. 9 Law 18961).

Sources: Ley 18961 [Law 18961]. 1990. Art. 9.

**Can permanent residents access employment in the police?**

Answer: no

Code: 0

Explanation: In order to belong to the Carabineros it is required to be Chilean (Art. 9 Law 18961).

Sources: Ley 18961 [Law 18961]. 1990. Art. 9.

**Quotas for preferential hiring of asylum seekers exist:**

Answer: no

Code: 0

Explanation: No provision.

Sources: Ministerio del Trabajo. 2003. Código del Trabajo [Labor Code].

**Quotas for preferential hiring of refugees exist:**

Answer: no

Code: 0

Explanation: No provision.

Sources: Código del Trabajo [Labor Code]. 2003.

**Quotas for preferential hiring of co-ethnics exist:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Quotas for preferential hiring of domestic workers exist:**

Answer: no

Code: 0

Explanation: No provision.

Sources: Código del Trabajo [Labor Code]. 2003.

**Quotas for preferential hiring of agricultural workers exist:**

Answer: no

Code: 0

Explanation: No provision.

Sources: Código del Trabajo [Labor Code]. 2003.

**Quotas for preferential hiring of medical doctors:**

Answer: no

Code: 0

Explanation: No provision.

Sources: Código del Trabajo [Labor Code]. 2003.

**Quotas for preferential hiring of permanent residents:**

Answer: no

Code: 0

Explanation: No provision.

Sources: Código del Trabajo [Labor Code]. 2003.

**Can asylum seekers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: In order to belong to the Armed Forces, it is required to be Chilean National (Art. 9 of Law 18948).

Sources: Ley 18948 [Law 18948]. 1990. Art. 9.

**Can refugees access employment in the armed forces?**

Answer: no

Code: 0

Explanation: In order to belong to the Armed Forces, it is required to be Chilean National (Art. 9 of Law 18948).

Sources: Ley 18948 [Law 18948]. 1990. Art. 9.

**Can co-ethnics access employment in the armed forces?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: In order to belong to the Armed Forces, it is required to be Chilean National (Art. 9 of Law 18948).

Sources: Ley 18948 [Law 18948]. 1990. Art. 9.

**Can agricultural workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: In order to belong to the Armed Forces, it is required to be Chilean National (Art. 9 of Law 18948).

Sources: Ley 18948 [Law 18948]. 1990. Art. 9.

**Can medical doctors access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Not applicable

Sources: Ley 18948 [Law 18948]. 1990. Art. 9.

**Can permanent residents access employment in the armed forces?**

Answer: no

Code: 0

Explanation: In order to belong to the Armed Forces, it is required to be Chilean National (Art. 9 of Law 18948).

Sources: Ley 18948 [Law 18948]. 1990. Art. 9.

**5.3.2. Access to support**

**IMMIGRANT\_31: Public employment services.**

**Can asylum seekers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: The program ProEmpleo does not make differentiations based on nationality.

Sources: Subsecretaría del Trabajo. "Programa de Empleo [Employment Program]". Accessed September 19, 2018. <https://www.subtrab.gob.cl/programas-de-empleo/programa-de-empleo/>.

**Can refugees access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: The program ProEmpleo does not make differentiations based on nationality.

Sources: Subsecretaría del Trabajo. "Programa de Empleo [Employment Program]". Accessed September 19, 2018. <https://www.subtrab.gob.cl/programas-de-empleo/programa-de-empleo/>.

**Can co-ethnics access public employment services?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: The program ProEmpleo does not make differentiations based on nationality.

Sources: Subsecretaría del Trabajo. "Programa de Empleo [Employment Program]". Accessed September 19, 2018. <https://www.subtrab.gob.cl/programas-de-empleo/programa-de-empleo/>.

**Can agricultural workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: The program ProEmpleo does not make differentiations based on nationality.

Sources: Subsecretaría del Trabajo. "Programa de Empleo [Employment Program]". Accessed September 19, 2018. <https://www.subtrab.gob.cl/programas-de-empleo/programa-de-empleo/>.

#### **Can medical doctors access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: The program ProEmpleo does not make differentiations based on nationality.

Sources: Subsecretaría del Trabajo. "Programa de Empleo [Employment Program]". Accessed September 19, 2018. <https://www.subtrab.gob.cl/programas-de-empleo/programa-de-empleo/>.

#### **Can permanent residents access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: The program ProEmpleo does not make differentiations based on nationality.

Sources: Subsecretaría del Trabajo. "Programa de Empleo [Employment Program]". Accessed September 19, 2018. <https://www.subtrab.gob.cl/programas-de-empleo/programa-de-empleo/>.

### **IMMIGRANT\_32: Recognition of qualifications.**

#### **Recognition of qualifications acquired abroad by asylum seekers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Persons interested in the process of recognition of a professional title acquired abroad in Chile must complete the procedure online through the Department of Registration and Recognition of Titles of the Ministry of Foreign Affairs. The requirement is to have obtained the degree in one of the countries with which Chile has entered into bilateral treaties (Brazil, Colombia, Ecuador, Peru, Uruguay and Spain - the latter only applies to Chileans and Spanish doctors) and multilateral treaties (Bolivia, Costa Rica, El Salvador and Guatemala). For professional degrees obtained in other countries, the Office of Titles and Degrees of the Pro-rectory of the University of Chile is in charge of carrying out this procedure.

Sources: Sistema Títulos Online. "Sistema de solicitud on-line de reconocimiento o registro de títulos [Online application system for Recognition or Registration of Titles]". Accessed September 19, 2018. <https://reconocimientodetitulos.minrel.gob.cl/>.

#### **Recognition of qualifications acquired abroad by refugees:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Persons interested in the process of recognition of a professional title acquired abroad in Chile must complete the procedure online through the Department of Registration and Recognition of Titles of the Ministry of Foreign Affairs. The requirement is to have obtained the degree in one of the countries with which Chile has entered into bilateral treaties (Brazil, Colombia, Ecuador, Peru, Uruguay and Spain - the latter only applies to Chileans and Spanish doctors) and multilateral treaties (Bolivia, Costa Rica, El Salvador and Guatemala). For professional degrees obtained in other countries, the Office of Titles and Degrees of the Pro-rectory of the University of Chile is in charge of carrying out this procedure.

Sources: Sistema Títulos Online. "Sistema de solicitud on-line de reconocimiento o registro de títulos [Online application system for Recognition or Registration of Titles]". Accessed September 19, 2018. <https://reconocimientodetitulos.minrel.gob.cl/>.

#### **Recognition of qualifications acquired abroad by co-ethnics:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by domestic workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Persons interested in the process of recognition of a professional title acquired abroad in Chile must complete the procedure online through the Department of Registration and Recognition of Titles of the Ministry of Foreign Affairs. The requirement is to have obtained the degree in one of the countries with which Chile has entered into bilateral treaties (Brazil, Colombia, Ecuador, Peru, Uruguay and Spain - the latter only applies to Chileans and Spanish doctors) and multilateral treaties (Bolivia, Costa Rica, El Salvador and Guatemala). For professional degrees obtained in other countries, the Office of Titles and Degrees of the Pro-rectory of the University of Chile is in charge of carrying out this procedure.

Sources: Sistema Títulos Online. "Sistema de solicitud on-line de reconocimiento o registro de títulos [Online application system for Recognition or Registration of Titles]". Accessed September 19, 2018. <https://reconocimientodetitulos.minrel.gob.cl/>.

#### **Recognition of qualifications acquired abroad by agricultural workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Persons interested in the process of recognition of a professional title acquired abroad in Chile must complete the procedure online through the Department of Registration and Recognition of Titles of the Ministry of Foreign Affairs. The requirement is to have obtained the degree in one of the countries with which Chile has entered into bilateral treaties (Brazil, Colombia, Ecuador, Peru, Uruguay and Spain - the latter only applies to Chileans and Spanish doctors) and multilateral treaties (Bolivia, Costa Rica, El Salvador and Guatemala). For professional degrees obtained in other countries, the Office of Titles and Degrees of the Pro-rectory of the University of Chile is in charge of carrying out this procedure.

Sources: Sistema Títulos Online. "Sistema de solicitud on-line de reconocimiento o registro de títulos [Online application system for Recognition or Registration of Titles]". Accessed September 19, 2018. <https://reconocimientodetitulos.minrel.gob.cl/>.

### **Recognition of qualifications acquired abroad by medical doctors:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Persons interested in the process of recognition of a professional title acquired abroad in Chile must complete the procedure online through the Department of Registration and Recognition of Titles of the Ministry of Foreign Affairs. The requirement is to have obtained the degree in one of the countries with which Chile has entered into bilateral treaties (Brazil, Colombia, Ecuador, Peru, Uruguay and Spain - the latter only applies to Chileans and Spanish doctors) and multilateral treaties (Bolivia, Costa Rica, El Salvador and Guatemala). For professional degrees obtained in other countries, the Office of Titles and Degrees of the Pro-rectory of the University of Chile is in charge of carrying out this procedure.

Sources: Sistema Títulos Online. "Sistema de solicitud on-line de reconocimiento o registro de títulos [Online application system for Recognition or Registration of Titles]". Accessed September 19, 2018. <https://reconocimientodetitulos.minrel.gob.cl/>.

### **Recognition of qualifications acquired abroad by permanent residents:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Persons interested in the process of recognition of a professional title acquired abroad in Chile must complete the procedure online through the Department of Registration and Recognition of Titles of the Ministry of Foreign Affairs. The requirement is to have obtained the degree in one of the countries with which Chile has entered into bilateral treaties (Brazil, Colombia, Ecuador, Peru, Uruguay and Spain - the latter only applies to Chileans and Spanish doctors) and multilateral treaties (Bolivia, Costa Rica, El Salvador and Guatemala). For professional degrees obtained in other countries, the Office of Titles and Degrees of the Pro-rectory of the University of Chile is in charge of carrying out this procedure.

Sources: Sistema Títulos Online. "Sistema de solicitud on-line de reconocimiento o registro de títulos [Online application system for Recognition or Registration of Titles]". Accessed September 19, 2018. <https://reconocimientodetitulos.minrel.gob.cl/>.



### 5.3.3. Worker's rights

#### **IMMIGRANT\_33: Membership in trade unions.**

**Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: No provision restricting the access of foreigners to unions.

Sources: Ley 19069 [Law 19069]. 1991.

**Can refugees be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: No provision restricting the access of foreigners to unions.

Sources: Ley 19069 [Law 19069]. 1991.

**Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Not applicable

Sources: Ley 19069 [Law 19069]. 1991.

**Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: No provision restricting the access of foreigners to unions.

Sources: Ministerio del Trabajo y Previsión Social. 1991. Ley 19069 Establece Normas Sobre Organizaciones Sindicales y Negociación Colectiva [Law 19069 Establishes Rules on Trade Unions and Collective Bargaining].

**Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: No provision restricting the access of foreigners to unions.

Sources: Ley 19069 [Law 19069]. 1991.

**Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: No provision restricting the access of foreigners to unions.

Sources: Ley 19069 [Law 19069]. 1991.

**IMMIGRANT\_34: Job transferability.**

**Can asylum seekers change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Asylum status does not depend on a job contract.

Sources: Decreto 837 [Decree 837]. 2010. Art. 17.

**Can refugees change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Refugee status does not depend on a job contract.

Sources: Decreto 837 [Decree 837]. 2010.

**Can co-ethnics change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Not applicable

Sources: Departamento de Extranjería y Migración. "Visa sujeta a contrato [Visa Subject to Contract]". Accessed September 6, 2018. <https://www.extranjeria.gob.cl/trabajar-en-chile/visa-sujeta-a-contrato/>.

**Can agricultural workers change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Not applicable

Sources: Departamento de Extranjería y Migración. "Visa sujeta a contrato [Visa Subject to Contract]". Accessed September 6, 2018. <https://www.extranjeria.gob.cl/trabajar-en-chile/visa-sujeta-a-contrato/>.

**Can medical doctors change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Not applicable

Sources: Departamento de Extranjería y Migración. "Visa sujeta a contrato [Visa Subject to Contract]". Accessed September 6, 2018. <https://www.extranjeria.gob.cl/trabajar-en-chile/visa-sujeta-a-contrato/>.

**Can permanent residents change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: The definitive stay is the permission granted to foreigners to settle indefinitely in the country and develop any kind of activities without restrictions.

Sources: Decreto 597 [Decree 597]. 1984. Art. 80.

#### **IMMIGRANT\_35: Right to redress.**

**Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The worker directly affected, without distinction of nationality, may denounce before the Inspectorate or before the Courts of Justice the violation of a fundamental right or an anti-union or unfair practice in collective bargaining.

Sources: Dirección del Trabajo. “¿Quién puede denunciar o iniciar un juicio de tutela laboral? [Who Can File or Initiate a Labor Guardianship Suit?]”. Accessed September 27, 2018. <http://www.dt.gob.cl/portal/1628/w3-article-103242.html>.

**Do refugees have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The worker directly affected, without distinction of nationality, may denounce before the Inspectorate or before the Courts of Justice the violation of a fundamental right or an anti-union or unfair practice in collective bargaining.

Sources: Dirección del Trabajo. “¿Quién puede denunciar o iniciar un juicio de tutela laboral? [Who Can File or Initiate a Labor Guardianship Suit?]”. Accessed September 27, 2018. <http://www.dt.gob.cl/portal/1628/w3-article-103242.html>.

**Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The worker directly affected, without distinction of nationality, may denounce before the Inspectorate or before the Courts of Justice the violation of a fundamental right or an anti-union or unfair practice in collective bargaining.

Sources: Dirección del Trabajo. “¿Quién puede denunciar o iniciar un juicio de tutela laboral? [Who Can File or Initiate a Labor Guardianship Suit?]”. Accessed September 27, 2018.  
<http://www.dt.gob.cl/portal/1628/w3-article-103242.html>.

**Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The worker directly affected, without distinction of nationality, may denounce before the Inspectorate or before the Courts of Justice the violation of a fundamental right or an anti-union or unfair practice in collective bargaining.

Sources: Dirección del Trabajo. “¿Quién puede denunciar o iniciar un juicio de tutela laboral? [Who Can File or Initiate a Labor Guardianship Suit?]”. Accessed September 27, 2018.  
<http://www.dt.gob.cl/portal/1628/w3-article-103242.html>.

**Do medical doctors have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The worker directly affected, without distinction of nationality, may denounce before the Inspectorate or before the Courts of Justice the violation of a fundamental right or an anti-union or unfair practice in collective bargaining.

Sources: Dirección del Trabajo. “¿Quién puede denunciar o iniciar un juicio de tutela laboral? [Who Can File or Initiate a Labor Guardianship Suit?]”. Accessed September 27, 2018.  
<http://www.dt.gob.cl/portal/1628/w3-article-103242.html>.

**Do permanent residents have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The worker directly affected, without distinction of nationality, may denounce before the Inspectorate or before the Courts of Justice the violation of a fundamental right or an anti-union or unfair practice in collective bargaining.

Sources: Dirección del Trabajo. “¿Quién puede denunciar o iniciar un juicio de tutela laboral? [Who Can File or Initiate a Labor Guardianship Suit?]”. Accessed September 27, 2018. <http://www.dt.gob.cl/portal/1628/w3-article-103242.html>.

### **5.3.4. Property rights**

#### **IMMIGRANT\_36: Property rights.**

##### **Can asylum seekers acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: No provision restricting property only to nationals in the Constitution.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

##### **Can refugees acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: No provision restricting property only to nationals in the Constitution.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

##### **Can co-ethnics acquire property in the state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Can domestic workers acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: No provision restricting property only to nationals in the Constitution.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

#### **Can agricultural workers acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: No provision restricting property only to nationals in the Constitution.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

#### **Can medical doctors acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: No provision restricting property only to nationals in the Constitution.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

#### **Can permanent residents acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: No provision restricting property only to nationals in the Constitution.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

## **5.4. Social policies**

### **5.4.1. Family reunification**

#### **Can asylum seekers bring their families to their country of residence?**

Answer: no

Code: 0

Explanation: Only recognized refugees can bring their families to Chile (Art. 11 Decree 837).

Sources: Decreto 837 [Decree 837]. 2010. Art. 11.

**Can refugees bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Art. 11 of Decree 837 establishes that the family of a recognized refugee will have also a status of refugee by extension. This includes spouse, civil partner, parents and children. No resident requirement is established in order to access to family reunification.

Sources: Decreto 837 [Decree 837]. 2010. Art. 11.

**Can co-ethnics bring their families to their country of residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597). Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Can agricultural workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597). Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Can medical doctors bring their families to their country of residence?**

Answer: yes



Code: 1

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597).  
Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

#### **Can permanent residents bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Art. 82 of Decree 597 establishes that the dependents will have access to permanent residence as soon as the sponsor becomes a permanent resident.

Sources: Decreto 597 [Decree 597]. 1984. Art. 82.

### *Eligibility*

#### **IMMIGRANT\_37: Resident requirement for ordinary legal residents.**

##### **Residence requirement for ordinary legal residents (asylum seekers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Residence requirement for ordinary legal residents (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Residence requirement for ordinary legal residents (refugees). In months:**

Answer: 0

Code: 0

Explanation: Art. 11 of Decree 837 establishes that the family of a recognized refugee will have also a status of refugee by extension. This includes spouse, civil partner, parents and children. No resident requirement is established in order to access to family reunification.

Sources: Decreto 837 [Decree 837]. 2010. Art. 11.

**Residence requirement for ordinary legal residents (refugees):**

Answer: no residence requirement

Code: 1

Explanation: Art. 11 of Decree 837 establishes that the family of a recognized refugee will have also a status of refugee by extension. This includes spouse, civil partner, parents and children. No resident requirement is established in order to access to family reunification.

Sources: Decreto 837 [Decree 837]. 2010. Art. 11.

**Residence requirement for ordinary legal residents (co-ethnics). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (domestic workers). In months:**

Answer: 0

Code: 0

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597). Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Residence requirement for ordinary legal residents (domestic workers):**

Answer: no residence requirement

Code: 1

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597).  
Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Residence requirement for ordinary legal residents (agricultural workers). In months:**

Answer: 0

Code: 0

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597).  
Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Residence requirement for ordinary legal residents (agricultural workers):**

Answer: no residence requirement

Code: 1

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597).  
Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Residence requirement for ordinary legal residents (medical doctors). In months:**

Answer: 0

Code: 0

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597).  
Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Residence requirement for ordinary legal residents (medical doctors):**

Answer: no residence requirement

Code: 1

Explanation: Family reunification is granted together with the working visa (Art. 35 Decree 597).  
Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Residence requirement for ordinary legal residents (permanent residents). In months:**

Answer: 0

Code: 0

Explanation: Art. 82 of Decree 597 establishes that the dependents will have access to permanent residence as soon as the sponsor becomes a permanent resident.

Sources: Decreto 597 [Decree 597]. 1984. Art. 82.

**Residence requirement for ordinary legal residents (permanent residents):**

Answer: no residence requirement

Code: 1

Explanation: Art. 82 of Decree 597 establishes that the dependents will have access to permanent residence as soon as the sponsor becomes a permanent resident.

Sources: Decreto 597 [Decree 597]. 1984. Art. 82.

**IMMIGRANT\_38: Family members considered for reunification.**

**Family member eligible for reunification (asylum seekers): Spouse.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Children.**

Answer: not applicable

Code: Not applicable

Explanation:

Sources:

**Family member eligible for reunification (asylum seekers): Parents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Grandparents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Spouse.**

Answer: yes

Code: 1

Explanation: Art. 9 of Decree 837 establishes that shall have the right to be recognized by the refugee status by extension, the spouse of the refugee or the person with whom the refugee is cohabiting, relatives in the ascending line, descendants and minors who are under his guardianship or tutelage.

Sources: Ministerio del Interior. 2010. Decreto 837 Aprueba Reglamento de la Ley 20.430 , que Establece disposiciones sobre protección de refugiados [Decree 837 Approves Regulation of Law 20,430, which establishes provisions on refugee protection]. Art. 9.

**Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Art. 9 of Decree 837 establishes that shall have the right to be recognized by the refugee status by extension, the spouse of the refugee or the person with whom the refugee is cohabiting, relatives in the ascending line, descendants and minors who are under his guardianship or tutelage.

Sources: Decreto 837 [Decree 837]. 2010. Art. 9.

**Family member eligible for reunification (refugees): Children.**

Answer: yes

Code: 1

Explanation: Art. 9 of Decree 837 establishes that shall have the right to be recognized by the refugee status by extension, the spouse of the refugee or the person with whom the refugee is cohabiting, relatives in the ascending line, descendants and minors who are under his guardianship or tutelage.

Sources: Decreto 837 [Decree 837]. 2010. Art. 9.

**Family member eligible for reunification (refugees): Parents.**

Answer: yes

Code: 1

Explanation: Art. 9 of Decree 837 establishes that shall have the right to be recognized by the refugee status by extension, the spouse of the refugee or the person with whom the refugee is cohabiting, relatives in the ascending line, descendants and minors who are under his guardianship or tutelage.

Sources: Decreto 837 [Decree 837]. 2010. Art. 9.

**Family member eligible for reunification (refugees): Grandparents.**

Answer: yes

Code: 1

Explanation: Art. 9 of Decree 837 establishes that shall have the right to be recognized by the refugee status by extension, the spouse of the refugee or the person with whom the refugee is cohabiting, relatives in the ascending line, descendants and minors who are under his guardianship or tutelage.

Sources: Decreto 837 [Decree 837]. 2010. Art. 9.

**Family member eligible for reunification (co-ethnics): Spouse.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Children.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Parents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Grandparents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Spouse.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Ministerio del Interior. 1984. Decreto 597 Aprueba Nuevo Reglamento de Extranjería [Decree 597 that approves the new regulations on immigration]. Art. 35.

**Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.**

Answer: no

Code: 0

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (domestic workers): Children.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (domestic workers): Parents.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (domestic workers): Grandparents.**

Answer: no

Code: 0

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (agricultural workers): Spouse.**

Answer: yes

Code: 1



Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.**

Answer: no

Code: 0

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (agricultural workers): Children.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (agricultural workers): Parents.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (agricultural workers): Grandparents.**

Answer: no

Code: 0

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (medical doctors): Spouse.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.**

Answer: no

Code: 0

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (medical doctors): Children.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (medical doctors): Parents.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (medical doctors): Grandparents.**

Answer: no

Code: 0

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (permanent residents): Spouse.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.**

Answer: no

Code: 0

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (permanent residents): Children.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (permanent residents): Parents.**

Answer: yes

Code: 1

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Family member eligible for reunification (permanent residents): Grandparents.**

Answer: no

Code: 0

Explanation: Family reunification is granted for spouse, parents and children (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

## *Security of status*

### **IMMIGRANT\_39: Length of application procedure.**

#### **Length of application procedure in months (asylum seekers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Length of application procedure (asylum seekers).**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Length of application procedure in months (refugees).**

Answer: 97

Code: 97

Explanation: No regulation of maximum length.

Sources: Decreto 837 [Decree 837]. 2010.

#### **Length of application procedure (refugees).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length.

Sources: Decreto 837 [Decree 837]. 2010.

#### **Length of application procedure in months (co-ethnics).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (co-ethnics).**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (domestic workers).**

Answer: 97

Code: 97

Explanation: No regulation of maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Length of application procedure (domestic workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Length of application procedure in months (agricultural workers).**

Answer: 97

Code: 97

Explanation: No regulation of maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Length of application procedure (agricultural workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Length of application procedure in months (medical doctors).**

Answer: 97

Code: 97

Explanation: No regulation of maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Length of application procedure (medical doctors).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**Length of application procedure in months (permanent residents).**

Answer: 97

Code: 97

Explanation: No regulation of maximum length.

Sources: Not applicable

**Length of application procedure (permanent residents).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRANT\_40: Duration of permit.**

**Duration of validity of permit (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (refugees):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Dependents receive refugee status by extension, meaning that they have the same permit as their sponsors.

Sources: Decreto 837 [Decree 837]. 2010. Art. 11.

**Duration of validity of permit (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (domestic workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Art. 35 of Decree 597 establishes that dependents will receive the same type of visa granted to the sponsors.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Duration of validity of permit (agricultural workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Art. 35 of Decree 597 establishes that dependents will receive the same type of visa granted to the sponsors.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Duration of validity of permit (medical doctors):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Art. 35 of Decree 597 establishes that dependents will receive the same type of visa granted to the sponsors.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35.

**Duration of validity of permit (permanent residents):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Art. 35 of Decree 597 establishes that dependents will receive the same type of visa granted to the sponsors.

Sources: Decreto 597 [Decree 597]. 1984. Art. 35 and 82.

**IMMIGRANT\_41: Grounds for rejection, withdrawing or refusing to renew status.**

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):**



Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Break-up of family relationship is a ground for rejecting family reunification application (refugees):**

Answer: no

Code: 0

Explanation: No provision.

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):**

Answer: no

Code: 0

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):**

Answer: no

Code: 0

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: Decree 597 includes general provision that allow the Chilean state to reject the entry of foreigners. These provisions apply to refugees and migrant workers. These provisions include (Art. 138 Decree 597): those with a criminal record (Art. 138.1), those that present false documentation (Art. 138.2), those that attempt to national security or international diplomacy (Art. 138.3), and those that fall under the categories of Art. 26.4 or 26.5 of the Decree (those without a profession/job or with a severe illness).

Sources: Decreto 597 [Decree 597]. 1984. Art. 26 and 137-139.

**IMMIGRANT\_42: Special circumstances.**

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 837 [Decree 837]. 2010.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 837 [Decree 837]. 2010.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 837 [Decree 837]. 2010.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 837 [Decree 837]. 2010.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):**



Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRANT\_43: Legal guarantees and redress in case of refusal or withdrawal.**

**Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 837 [Decree 837]. 2010.

**Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):**

Answer: yes

Code: 1

Explanation: The appeal for reconsideration shall be filed within a period of five days before the same body that issued the act challenged; in subsidy, a hierarchical appeal may be filed.

Sources: Ley 19880 [Law 19880]. 2003. Art. 59.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 837 [Decree 837]. 2010.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 597 [Decree 597]. 1984.

**Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):**

Answer: yes

Code: 1

Explanation: The appeal for reconsideration shall be filed within a period of five days before the same body that issued the act challenged; in subsidy, a hierarchical appeal may be filed.

Sources: Ley 19880 [Law 19880]. 2003.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 597 [Decree 597]. 1984.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 597 [Decree 597]. 1984.

**Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):**

Answer: yes

Code: 1

Explanation: The appeal for reconsideration shall be filed within a period of five days before the same body that issued the act challenged; in subsidy, a hierarchical appeal may be filed.

Sources: Ley 19880 [Law 19880]. 2003.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 597 [Decree 597]. 1984.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 597 [Decree 597]. 1984.

**Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):**

Answer: yes

Code: 1

Explanation: The appeal for reconsideration shall be filed within a period of five days before the same body that issued the act challenged; in subsidy, a hierarchical appeal may be filed.

Sources: Ley 19880 [Law 19880]. 2003.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 597 [Decree 597]. 1984.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 597 [Decree 597]. 1984.

**Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):**

Answer: yes

Code: 1

Explanation: The appeal for reconsideration shall be filed within a period of five days before the same body that issued the act challenged; in subsidy, a hierarchical appeal may be filed.

Sources: Ley 19880 [Law 19880]. 2003.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto 597 [Decree 597]. 1984.

**IMMIGRANT\_44: Right to autonomous permit.**

**Right to autonomous residence permit for partners and children at age of majority (asylum seekers):**



Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (refugees):**

Answer: no right

Code: 0

Explanation: Refugee status is granted "by extension" (Art. 11 Decree 837).

Sources: Decreto 837 [Decree 837]. 2010.

**Right to autonomous residence permit for partners and children at age of majority (co-ethnics):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (domestic workers):**

Answer: no right

Code: 0

Explanation: Dependent visa is only granted in combination with a working or permanent residence visa (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Right to autonomous residence permit for partners and children at age of majority (agricultural workers):**

Answer: no right

Code: 0

Explanation: Dependent visa is only granted in combination with a working or permanent residence visa (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Right to autonomous residence permit for partners and children at age of majority (medical doctors):**

Answer: no right

Code: 0

Explanation: Dependent visa is only granted in combination with a working or permanent residence visa (Art. 35 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

**Right to autonomous residence permit for partners and children at age of majority (permanent residents):**

Answer: no right

Code: 0

Explanation: Dependent visa is linked to the permanent residence visa of the sponsor (Art. 80-82 Decree 597).

Sources: Decreto 597 [Decree 597]. 1984.

## **5.4.2. Education**

**IMMIGRANT\_45: Access to education.**

**Children of asylum seekers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of Law 20370 establishes that education is a right of all persons.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

**Children of refugees have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of Law 20370 establishes that education is a right of all persons.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

**Children of co-ethnics have access to compulsory education:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of domestic workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of Law 20370 establishes that education is a right of all persons.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

**Children of agricultural workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of Law 20370 establishes that education is a right of all persons.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

**Children of medical doctors have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of Law 20370 establishes that education is a right of all persons.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

**Children of permanent residents have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of Law 20370 establishes that education is a right of all persons.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

#### **IMMIGRANT\_46: Access to higher education.**

##### **Asylum seekers and their children have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of the Law 20370 establishes that, without prejudice to its other duties, it is the duty of the State that the system made up of the educational establishments it owns should provide a free, quality education based on a public, secular educational project, that is, respectful of all religious expression, and pluralistic, that allows access to it for the entire population and that promotes social inclusion and equity.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

##### **Refugees have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of the Law 20370 establishes that, without prejudice to its other duties, it is the duty of the State that the system made up of the educational establishments it owns should provide a free, quality education based on a public, secular educational project, that is, respectful of all religious expression, and pluralistic, that allows access to it for the entire population and that promotes social inclusion and equity.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

##### **Co-ethnics have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Domestic workers have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of the Law 20370 establishes that, without prejudice to its other duties, it is the duty of the State that the system made up of the educational establishments it owns should provide a free, quality education based on a public, secular educational project, that is, respectful of all religious

expression, and pluralistic, that allows access to it for the entire population and that promotes social inclusion and equity.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

#### **Agricultural workers have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of the Law 20370 establishes that, without prejudice to its other duties, it is the duty of the State that the system made up of the educational establishments it owns should provide a free, quality education based on a public, secular educational project, that is, respectful of all religious expression, and pluralistic, that allows access to it for the entire population and that promotes social inclusion and equity.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

#### **Medical doctors have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of the Law 20370 establishes that, without prejudice to its other duties, it is the duty of the State that the system made up of the educational establishments it owns should provide a free, quality education based on a public, secular educational project, that is, respectful of all religious expression, and pluralistic, that allows access to it for the entire population and that promotes social inclusion and equity.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

#### **Permanent residents have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 4 of the Law 20370 establishes that, without prejudice to its other duties, it is the duty of the State that the system made up of the educational establishments it owns should provide a free, quality education based on a public, secular educational project, that is, respectful of all religious expression, and pluralistic, that allows access to it for the entire population and that promotes social inclusion and equity.

Sources: Ley 20370 [Law 20370]. 2009. Art. 4.

#### **IMMIGRANT\_47: Support for language instruction.**

##### **Provision of education support in language(s) of instruction for migrant pupils:**

Answer: no

Code: 0

Explanation: No provision.

Sources: Ley 20370 [Law 20370]. 2009.

#### **IMMIGRANT\_48: Intercultural education.**

**Intercultural education is included in pre-service training in order to qualify as a teacher:**

Answer: no

Code: 0

Explanation: No special intercultural teacher training is required/offered in order to qualify as a teacher.

Sources: Ley 20370 [Law 20370]. 2009.

#### **IMMIGRANT\_49: Integration in teachers' syllabus.**

**Migration and integration are obligatory topics in professional development training:**

Answer: no

Code: 0

Explanation: There is no provision found in the different regulations about migration and integration as obligatory topics in in-service professional development training.

Sources: Ley 20370 [Law 20370]. 2009.

### **5.4.3. Health care**

#### **IMMIGRANT\_50: Conditions for inclusion in the health care system**

**Conditions for inclusion of asylum seekers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19.

**Conditions for inclusion of refugees in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19.

**Conditions for inclusion of co-ethnics in the health care system:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Conditions for inclusion of domestic workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19.

**Conditions for inclusion of agricultural workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19.

**Conditions for inclusion of medical doctors in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19.

**Conditions for inclusion of permanent residents in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19.

**IMMIGRANT\_51 Coverage of health care services.**

**Health care coverage for asylum seekers.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Consultation with expert, Fondo Nacional de Salud. February 22, 2019.

**Health care coverage for refugees.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Consultation with expert, Fondo Nacional de Salud. February 22, 2019.

**Health care coverage for co-ethnics.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Health care coverage for domestic workers.**

Answer: same coverage as nationals



Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Consultation with expert, Fondo Nacional de Salud. February 22, 2019.

#### **Health care coverage for agricultural workers.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Consultation with expert, Fondo Nacional de Salud. February 22, 2019.

#### **Health care coverage for medical doctors.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 19 of the Constitution establishes equal access to health care.

Sources: Consultation with expert, Fondo Nacional de Salud. February 22, 2019.

#### **Health care coverage for permanent residents.**

Answer: same coverage as nationals

Code: 1

Explanation: Not applicable

Sources: Consultation with expert, Fondo Nacional de Salud. February 22, 2019.

### **5.4.4. Unemployment benefits**

#### **IMMIGRANT\_52: Unemployment benefits.**

##### **Access of asylum seekers to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 1 and 2 of Law 19728 establish that all workers, regardless of nationality have access to unemployment benefits.

Sources: Ley 19728 [Law 19728]. 2001. Art. 1 and 2.

**Access of refugees to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 1 and 2 of Law 19728 establish that all workers, regardless of nationality have access to unemployment benefits.

Sources: Ley 19728 [Law 19728]. 2001. Art. 1 and 2.

**Access of co-ethnics to unemployment benefits as compared to citizen residents:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of domestic workers to unemployment benefits as compared to citizen residents:**

Answer: limited access

Code: 0.5

Explanation: Art. 1 and 2 of Law 19728 establish that all workers, regardless of nationality have access to unemployment benefits. Unemployment benefits do not cover domestic workers.

Sources: Ley 19728 [Law 19728]. 2001. Art. 1 and 2.

**Access of agricultural workers to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 1 and 2 of Law 19728 establish that all workers, regardless of nationality have access to unemployment benefits.

Sources: Ley 19728 [Law 19728]. 2001. Art. 1 and 2.

**Access of medical doctors to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 1 and 2 of Law 19728 establish that all workers, regardless of nationality have access to unemployment benefits.

Sources: Ley 19728 [Law 19728]. 2001. Art. 1 and 2.

**Access of permanent residents to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 1 and 2 of Law 19728 establish that all workers, regardless of nationality have access to unemployment benefits.

Sources: Ley 19728 [Law 19728]. 2001. Art. 1 and 2.

#### **5.4.5. Retirement benefits**

**IMMIGRANT\_53: Retirement benefits.**

**Access of asylum seekers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: It is mandatory for nationals and migrants to contribute to the pensions system with at least 10% of the salary. Art. 3 of Decree Law 3500 establishes that all affiliates who have completed sixty-five years of age if they are men, and sixty years of age if they are women will be entitled to a pension.

Sources: Decreto Ley 3500 [Decree Law 3500]. 1980. Art. 3.

**Access of refugees to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: It is mandatory for nationals and migrants to contribute to the pensions system with at least 10% of the salary. Art. 3 of Decree Law 3500 establishes that all affiliates who have completed sixty-five years of age if they are men, and sixty years of age if they are women will be entitled to a pension.

Sources: Decreto Ley 3500 [Decree Law 3500]. 1980. Art. 3.

**Access of co-ethnics to retirement benefits as compared to citizen residents:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of domestic workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: It is mandatory for nationals and migrants to contribute to the pensions system with at least 10% of the salary. Art. 3 of Decree Law 3500 establishes that all affiliates who have completed sixty-five years of age if they are men, and sixty years of age if they are women will be entitled to a pension.

Sources: Decreto Ley 3500 [Decree Law 3500]. 1980. Art. 3.

**Access of agricultural workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: It is mandatory for nationals and migrants to contribute to the pensions system with at least 10% of the salary. Art. 3 of Decree Law 3500 establishes that all affiliates who have completed sixty-five years of age if they are men, and sixty years of age if they are women will be entitled to a pension.

Sources: Decreto Ley 3500 [Decree Law 3500]. 1980. Art. 3.

**Access of medical doctors to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: It is mandatory for nationals and migrants to contribute to the pensions system with at least 10% of the salary. Art. 3 of Decree Law 3500 establishes that all affiliates who have completed sixty-five years of age if they are men, and sixty years of age if they are women will be entitled to a pension.

Sources: Decreto Ley 3500 [Decree Law 3500]. 1980. Art. 3.

**Access of permanent residents to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: It is mandatory for nationals and migrants to contribute to the pensions system with at least 10% of the salary. Art. 3 of Decree Law 3500 establishes that all affiliates who have completed sixty-five years of age if they are men, and sixty years of age if they are women will be entitled to a pension.

Sources: Decreto Ley 3500 [Decree Law 3500]. 1980. Art. 3.

## **5.5. Cultural policies**

**IMMIGRANT\_54: Funding for bilingual education.**

**Is there public funding for bilingual education in the language of majoritarian migrant groups?**

Answer: no

Code: 0

Explanation: The only bilingual education offered is for indigenous groups.

Sources: Ley 20370 [Law 20370]. 2009.

**IMMIGRANT\_55: Funding for media on main migrant group's language.**

**Is there public funding for media in the language of the main migrant group?**

Answer: no

Code: 0

Explanation: No provision found.

Sources: Not applicable

## **5.6. Mobility policies**

### **5.6.1. Identity documents**

**IMMIGRANT\_56: Confiscation of identification documents.**

**Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto 597 [Decree 597]. 1984.

**Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto 597 [Decree 597]. 1984.

**Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto 597 [Decree 597]. 1984.

**Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto 597 [Decree 597]. 1984.

**Do medical doctors have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto 597 [Decree 597]. 1984.

**Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto 597 [Decree 597]. 1984.

## **5.6.2. Freedom of movement**

**IMMIGRANT\_57: Freedom of movement within country.**

**Do asylum seekers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Do refugees have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Do co-ethnics have the right to move freely within the country?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Do agricultural workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Do medical doctors have the right to move freely within the country?**

Answer: yes

Code: 1



Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Do permanent residents have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**IMMIGRANT\_58: Freedom to move outside the country.**

**Do asylum seekers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Number of months of absence allowed per year (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Number of months of absence allowed per year (refugees):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have the right to leave the country?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of months of absence allowed per year (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Number of months of absence allowed per year (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Number of months of absence allowed per year (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

**Number of months of absence allowed per year (medical doctors):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do permanent residents have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 19 of The Constitution establishes the right to reside and remain anywhere in the republic. Visas do not restrict mobility to a location. In addition, Decree 597 does not restrict internal or international mobility.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 19. / Decreto 597 [Decree 597]. 1984.

#### **Number of months of absence allowed per year (permanent residents):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **5.6.3. Obligations**

#### **5.6.4. Military service**

##### **IMMIGRANT\_59: Military service.**

#### **Do asylum seekers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military service is only mandatory for nationals (Art. 18 Law 2306).

Sources: Decreto Ley 2306 [Decree Law 2306]. 2005. Art. 18.

#### **Do refugees have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military service is only mandatory for nationals (Art. 18 Law 2306).

Sources: Decreto Ley 2306 [Decree Law 2306]. 2005. Art. 18.

**Do co-ethnics have the obligation to comply with military service?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military service is only mandatory for nationals (Art. 18 Law 2306).

Sources: Decreto Ley 2306 [Decree Law 2306]. 2005. Art. 18.

**Do agricultural workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military service is only mandatory for nationals (Art. 18 Law 2306).

Sources: Decreto Ley 2306 [Decree Law 2306]. 2005. Art. 18.

**Do medical doctors have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military service is only mandatory for nationals (Art. 18 Law 2306).

Sources: Decreto Ley 2306 [Decree Law 2306]. 2005. Art. 18.

**Do permanent residents have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military service is only mandatory for nationals (Art. 18 Law 2306).

Sources: Decreto Ley 2306 [Decree Law 2306]. 2005. Art. 18.

### **5.6.5. Social service**

**IMMIGRANT\_60: Social service.**

**Do asylum seekers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have the obligation to comply with social service?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Do permanent residents have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Not applicable

Sources: Not applicable

### **5.6.6. Taxes**

**IMMIGRANT\_61: Income taxes.**

**Do asylum seekers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Art. 3. of Decree Law 824 establishes that all persons domiciled or resident in Chile (including foreigners) must pay income tax.

Sources: Decreto Ley 824 [Decree Law 824]. 2014. Art. 3.

**Do refugees have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Art. 3. of Decree Law 824 establishes that all persons domiciled or resident in Chile (including foreigners) must pay income tax.

Sources: Decreto Ley 824 [Decree Law 824]. 2014. Art. 3.

**Do co-ethnics have to pay income taxes in state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Art. 3. of Decree Law 824 establishes that all persons domiciled or resident in Chile (including foreigners) must pay income tax.

Sources: Decreto Ley 824 [Decree Law 824]. 2014. Art. 3.

**Do agricultural workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Art. 3. of Decree Law 824 establishes that all persons domiciled or resident in Chile (including foreigners) must pay income tax.

Sources: Decreto Ley 824 [Decree Law 824]. 2014. Art. 3.

**Do medical doctors have to pay income taxes in state of reception?**

Answer: yes

Code: 1



Explanation: Art. 3. of Decree Law 824 establishes that all persons domiciled or resident in Chile (including foreigners) must pay income tax.

Sources: Decreto Ley 824 [Decree Law 824]. 2014. Art. 3.

#### **Do permanent residents have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Art. 3. of Decree Law 824 establishes that all persons domiciled or resident in Chile (including foreigners) must pay income tax.

Sources: Decreto Ley 824 [Decree Law 824]. 2014. Art. 3.

### **5.7. Administration**

#### **IMMIGRANT\_62: Existence of immigrant integration agency in state of reception.**

##### **Existence of institution/agency with competencies for immigrant policies:**

Answer: yes

Code: 1

Explanation: The Departamento de Extranjería y Migración (Department of Foreign Affairs and Migration) which is subordinated to the Ministry of Foreign Affairs.

Sources: Decreto 597 [Decree 597]. 1984.

##### **Name of the institution with competencies for immigrant policies in original language:**

Answer: Departamento de Extranjería y Migración

##### **Name of the institution with competencies for immigrant policies in English:**

Answer: Department of Foreign Affairs and Migration

##### **Access to antidiscrimination body.**

**Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):**

Answer: Yes

Code: 1

Explanation: In Chile the figure of an Ombudsperson is not existent. However law 20.405 has created the National Institute of Human Rights where all people living in Chilean territory can recur in case of discrimination.

Sources: Ley 20405 [Law 20405]. 2009. Art. 1 and 2.

## 6. Immigrant citizenship and nationality

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### 6.1. Immigrant nationality

#### 6.1.1. Immigrant dual nationality

**IMNAT\_1: Renunciation of previous nationality.**

**Does the country require applicants to naturalization by residence to renounce their previous nationality?**

Answer: No

Code: 1

Explanation: No, Chile accepts double nationality with all countries (Department of Foreign Affairs and Migration). For this reason, when applying for Chilean nationality it is not required to renounce the original nationality and treaties about dual nationality are not required anymore. Furthermore, the articles about nationality and citizenship (Art. 10-18, Constitución) do not mention any restriction of holding/acquiring another nationality/citizenship: Art. 11 (about the loss of Chilean nationality) and Art. 17 (about the loss of citizenship) do not mention the condition of holding a dual/multiple nationality as a reason for losing Chilean nationality/citizenship. "(...) The right to opt for the Chilean Citizenship no longer requires choosing between the previous citizenship and the new, de facto allowing for the possibility of dual citizenship" (Echeverría 2016: 9).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10-18. / Manual de regreso para chilenos en el exterior [Handbook of Return for Chileans Abroad]. 2014. / Departamento de Extranjería y Migración. "Preguntas frecuentes nacionalización [Frequently Asked Questions Nationalization]". Accessed September 26, 2018. <https://www.extranjeria.gob.cl/nacionalizacion/preguntas-frecuentes-nacionalizacion/>. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

**Citizenship can be withdrawn only if person resides outside the country:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are there exceptions?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMNAT\_1\_1: Sanctions.**

**Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **6.1.2. Emigrant dual nationality for immigrants who naturalized**

#### **IMNAT\_2: Emigrant dual nationality for naturalized immigrants.**

**Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?**

Answer: No provision

Code: 1

Explanation: No, Art. 11 of the Constitution states that Chilean nationality is lost: "1. By voluntary resignation manifested before competent Chilean authority. This waiver will only produce effects if the person, previously, has been nationalized in a foreign country; 2. By supreme decree, in case of provision of services during an external war to enemies of Chile or its allies; 3. For cancellation of the nationalization letter, and 4. By law that revokes the nationalization granted by grace. Those who have lost the Chilean nationality for any of the causes established in this article, may only be rehabilitated by law."

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.

### **6.1.3. Loss of nationality after residence abroad for naturalized immigrants**

#### **IMNAT\_3: Loss after residence abroad for naturalized immigrants**

**For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad**

Answer: No provision

Code: 1

Explanation: No, Art. 11 of the Constitution states that Chilean nationality is lost: "1. By voluntary resignation manifested before competent Chilean authority. This waiver will only produce effects if the person, previously, has been nationalized in a foreign country; 2. By supreme decree, in case of provision of services during an external war to enemies of Chile or its allies; 3. For cancellation of the nationalization letter, and 4. By law that revokes the nationalization granted by grace. Those who have lost the Chilean nationality for any of the causes established in this article, may only be rehabilitated by law".

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 11.

#### **After how many years abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **6.1.4. Unrestrictive jus soli**

**IMNAT\_4: Unrestrictive jus soli.**

**Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?**

Answer: Yes

Code: 1

Explanation: Yes, any person born in the country (irrespective of the citizenship and birthplace of his/her parents) is going to be a Chilean (Chilenos/as) as defined as stated above: Chileans are: 1. Those born in the territory of Chile, with the exception of the children of foreigners who are in Chile in the service of their Government, and of the children of foreign passers-by, all of whom, however, may opt for Chilean nationality; (...)"

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

### **6.1.5. Qualified jus soli**

**IMNAT\_5: Qualified jus soli.**

**Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?**

Answer: No

Code: 0

Explanation: There is no provision in the legislation about qualified jus soli

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

### **6.1.6. Standard naturalization procedure for immigrants due to residence**

**IMNAT\_6: Ordinary naturalization.**

**Does the country provide for standard naturalization procedure for immigrants due to residence in it?**

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: Yes, persons who live for a continuous period of at least 5 years in Chile, and are entitled to permanent residence may apply according to Art. 10 of the Constitution

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

**Number of years of residence required for naturalization:**

Answer: 5

Code: 5

Explanation: five years.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

**Number of continuous years of residence required for naturalization:**

Answer: 5

Code: 5

Explanation: five years.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

**Permanent residence status is required for naturalization:**

Answer: Yes

Code: 1

Explanation: Permanent residence is a condition as established by Article 2 of Decree 5142: "A nationalization letter may be issued to foreigners who have reached the age of 18, who have more than five years of residence in the territory of the Republic and who are holders of the permanent residence permit".

Sources: Decree 5142 [Decree 5142]. 2016. Art. 2.

**Renunciation of previous nationality is required:**

Answer: No renunciation requirement

Code: 0

Explanation: No renunciation requirement in main provisions.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10-14.

**Language condition for naturalization:**

Answer: No language condition in the law

Code: 0

Explanation: The conditions are merely that the person has to have lived for a continuous period of at least 5 years in Chile, and is entitled to permanent residence.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

**Civil knowledge is a requisite for naturalization:**

Answer: No naturalization test or cultural assimilation condition

Code: 0

Explanation: The conditions are merely that the person has to have lived for a continuous period of at least 5 years in Chile, and is entitled to permanent residence.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

**Clean criminal record is a requisite:**

Answer: No criminal record or good character condition

Code: 0

Explanation: The conditions are merely that the person has to have lived for a continuous period of at least 5 years in Chile, and is entitled to permanent residence.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Departamento de Extranjería y Migración. "Preguntas frecuentes nacionalización [Frequently Asked Questions Nationalization]". Accessed September 26, 2018. <https://www.extranjeria.gob.cl/nacionalizacion/preguntas-frecuentes-nacionalizacion/>.

#### **Economic resources as requisite for naturalization:**

Answer: Includes employment condition or no welfare dependency for SEVERAL years before application

Code: 1

Explanation: The conditions are merely that the person has to have lived for a continuous period of at least 5 years in Chile, and is entitled to permanent residence.  
(<https://www.extranjeria.gob.cl/nacionalizacion/>)

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Departamento de Extranjería y Migración. "Preguntas frecuentes nacionalización [Frequently Asked Questions Nationalization]". Accessed September 26, 2018. <https://www.extranjeria.gob.cl/nacionalizacion/preguntas-frecuentes-nacionalizacion/>.

### **6.1.7. Socialization based acquisition of citizenship**

#### **IMNAT\_7: Naturalization by socialization.**

**Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?**

Answer: No provision

Code: 0

Explanation: No, as defined by Art. 10 of the Constitution, the only ways of acquiring the nationality are following: (...) 3. Foreigners who obtain a letter of naturalization in accordance with the law, and 4. Those who obtain special grace of nationalization by law.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **6.1.8. Special procedure for immigrants with very long residence in country**



**IMNAT\_8: Long residence.**

**Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?**

Answer: No

Code: 0

Explanation: No, as defined by Art. 10 of the Constitution, the only ways of acquiring the nationality are following: (...) 3. Foreigners who obtain a letter of naturalization in accordance with the law, and 4. Those who obtain special grace of nationalization by law.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **6.1.9. Preferential naturalization for immigrants from specific countries**

**IMNAT\_9: Preferential naturalization by country.**

**Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?**

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

### **6.1.10. Cultural affinity/Ethnic ties**

**IMNAT\_10: Preferential naturalization due to cultural or ethnic ties.**

**Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?**

Answer: No

Code: 0

Explanation: No, as defined by Art. 10 of the Constitution, the only ways of acquiring the nationality are following: (...) 3. Foreigners who obtain a letter of naturalization in accordance with the law, and 4. Those who obtain special grace of nationalization by law.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **6.1.11. Spousal transfer**

**IMNAT\_11: Spousal transfer.**

**Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **6.1.12. Filial transfer**

**IMNAT\_12: Filial transfer.**

**Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation for acquisition of nationality by the child of a person who is already a national citizen.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

### **6.1.13. Special naturalization for refugees**

**IMNAT\_13: Refugees.**

**Does the country facilitate the acquisition of nationality by a refugee in its territory?**

Answer: No

Code: 0

Explanation: There is no provision in the law about special naturalization for refugees.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

#### **6.1.14. Naturalization for special achievements/talents**

**IMNAT\_14: Special talents.**

**Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?**

Answer: Yes

Code: 1

Explanation: Art. 10 of the Constitution specifies that “Chileans are 4. Those who obtain special grace of nationalization by law. The law will regulate the procedures for choosing Chilean nationality; for granting, refusing and cancelling nationalization letters; and the formation of a register of all these acts. According to Echeverría, reasons for naturalization by special grant include “honour and high services offered to the country in fields such as law, science, art, literature, culture, economy. Throughout the history of the Chilean Republic approximately eighty persons have been awarded naturalisation by special grant” (Echeverría 2016:11).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

#### **6.1.15. Naturalization due to investment/financial assets**

**IMNAT\_15: Special talents.**

**Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?**

Answer: No

Code: 0

Explanation: No, as defined by Art. 10 of the Constitution, the only ways of acquiring the nationality are following: (...) 3. Foreigners who obtain a letter of naturalization in accordance with the law, and 4. Those who obtain special grace of nationalization by law.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **6.1.16. Transfer to other relatives**

**IMNAT\_16: Transfer to other relatives.**

**Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?**

Answer: No

Code: 0

Explanation: No, as defined by Art. 10 of the Constitution, the only ways of acquiring the nationality are following: (...) 3. Foreigners who obtain a letter of naturalization in accordance with the law, and 4. Those who obtain special grace of nationalization by law.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **6.1.17. Nationality for the stateless**

**IMNAT\_17: Stateless.**

**Does the country facilitate the naturalization of a stateless person in its territory?**

Answer: No

Code: 0

Explanation: No, as defined by Art. 10 of the Constitution, the only ways of acquiring the nationality are following: (...) 3. Foreigners who obtain a letter of naturalization in accordance with the law, and 4. Those who obtain special grace of nationalization by law.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **6.1.18. Nationality for regularized immigrants**

**IMNAT\_18: Regularization.**

**Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?**

Answer: No differentiation

Code: 0.5

Explanation: No differentiation in main regulations.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10-14.

### **6.1.19. Naturalization possible even if applicant had irregular status before**

**IMNAT\_19: Irregular status.**

**Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

## **6.2. Immigrant citizenship**

### **6.2.1. Restrictions on citizenship for naturalized immigrants**

**IMCIT\_1: Restrictions for naturalized immigrants.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?**

Answer: Yes

Code: 1

Explanation: Citizenship restrictions depend on the mode of acquisition and the length of time for which they have been citizens i.e. having the right to vote after 5 years in the country and be eligible to public office of popular election only after five years of being in possession of their nationalization letters. Art. 13 of the Constitution Chileans who have attained eighteen years of age and who have not been sentenced to an aggravated penalty are citizens. The quality of citizen grants the rights of suffrage, of electing posts of popular election and the others that the Constitution or the law confer. (...) In the case of Chileans referred to in the 2nd and 4th numbers of Article 10, the exercise of the rights conferred by citizenship will be subject to having been settled in Chile for more than one year. These are the children of Chilean father or mother, born in foreign territory and those granted naturalization by grace. However, for the former it is also required that any of your ascendants in a straight line of first or second grade, have acquired Chilean nationality under the provisions of numbers 1, 3 or 4. Art. 14 of the Constitution Foreigners settled in Chile for more than five years, and who meet the requirements indicated in the first paragraph of Article 13, may exercise the right to vote

in cases and forms determined by law. Those nationalized in accordance with No. 3 of Article 10, will have the option to public office of popular election only after five years of being in possession of their nationalization letters.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10, 13 and 14. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **For how long are the restrictions applied?**

Answer: Up to 5 years

Code: 0.5

Explanation: Restrictions apply up to five years.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10-13.

### **Do the restrictions apply to electoral rights?**

Answer: Yes

Code: 1

Explanation: Restrictions apply particularly to electoral rights. Citizenship restrictions depend on the mode of acquisition and the length of time for which they have been citizens i.e. having the right to vote after 5 years in the country and be eligible to public office of popular election only after five years of being in possession of their nationalization letters. Art. 13 of the Constitution Chileans who have attained eighteen years of age and who have not been sentenced to an aggravated penalty are citizens. The quality of citizen grants the rights of suffrage, of electing posts of popular election and the others that the Constitution or the law confer. (...) In the case of Chileans referred to in the 2nd and 4th numbers of Article 10, the exercise of the rights conferred by citizenship will be subject to having been settled in Chile for more than one year. These are the children of Chilean father or mother, born in foreign territory and those granted naturalization by grace. However, for the former it is also required that any of your ascendants in a straight line of first or second grade, have acquired Chilean nationality under the provisions of numbers 1, 3 or 4. Art. 14 of the Constitution Foreigners settled in Chile for more than five years, and who meet the requirements indicated in the first paragraph of Article 13, may exercise the right to vote in cases and forms determined by law. Those nationalized in accordance with No. 3 of Article 10, will have the option to public office of popular election only after five years of being in possession of their nationalization letters.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10, 13 and 14. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **Do the restrictions apply to public office posts?**

Answer: Yes

Code: 1

Explanation: The right to be eligible to public office of popular election exists only after five years of being in possession of their nationalization letters. Art. 13 of the Constitution Chileans who have

attained eighteen years of age and who have not been sentenced to an aggravated penalty are citizens. The quality of citizen grants the rights of suffrage, of electing posts of popular election and the others that the Constitution or the law confer. (...) In the case of Chileans referred to in the 2nd and 4th numbers of Article 10, the exercise of the rights conferred by citizenship will be subject to having been settled in Chile for more than one year. These are the children of Chilean father or mother, born in foreign territory and those granted naturalization by grace. However, for the former it is also required that any of your ascendants in a straight line of first or second grade, have acquired Chilean nationality under the provisions of numbers 1, 3 or 4. Also, Art. 14 of the Constitution states that foreigners settled in Chile for more than five years, and who meet the requirements indicated in the first paragraph of Article 13, may exercise the right to vote in cases and forms determined by law. Those nationalized in accordance with No. 3 of Article 10, will have the option to public office of popular election only after five years of being in possession of their nationalization letters.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10, 13 and 14. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

### **Other type of restrictions**

Answer: No

Code: 0

Explanation: The provisions apply only to electoral rights (passive and active).

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. / Echeverría, Gabriel. Report in Citizenship Law: Chile. Fiesole: EUDO Citizenship Observatory, 2016. Accessed September 25, 2018.

## **6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized**

### **IMCIT\_2. Loss or suspension of citizenship.**

**Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: Even though they can just vote for presidential and primary elections and have no candidacy rights either as compared to Chileans resident in Chile, this constitutes no special deprivation of their citizen rights. Citizens with the right to suffrage who are outside the country may participate from abroad in the presidential primary elections, in the elections of the President of the Republic and in national plebiscites. In the case of Chileans referred to in the 2nd and 4th numbers of Article 10, the exercise of the rights conferred by citizenship will be subject to having been settled in Chile for more than one year.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10.

### **Are these rights recovered upon return?**

Answer: not applicable

Code: 98

Explanation: Not applicable.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980.

### **6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals**

#### **IMCIT\_3: Restrictions for naturalized immigrants who are dual nationals.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?**

Answer: Yes

Code: 1

Explanation: Yes, by virtue of being naturalized and not by the particular combination of being naturalized and double nationals. Citizenship restrictions depend on the mode of acquisition and the length of time for which they have been citizens i.e. having the right to vote after 5 years in the country and being eligible for public office of popular election only after five years of being in possession of their nationalization letters. Also, for Chileans referred to in the 2nd and 4th numbers of Article 10 of the Constitution (the children of Chilean father or mother, born in foreign territory and those granted naturalization by grace), the exercise of the rights conferred by citizenship will be subject to having been settled in Chile for more than one year.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10-13.

### **How long do the restrictions apply?**

Answer: From 1 to 5 years depending on the mode of naturalization

Code: 1-5 years

Explanation: Citizenship restrictions depend on the mode of acquisition and the length of time for which they have been citizens i.e. having the right to vote after 5 years in the country and being eligible for public office of popular election only after five years of being in possession of their nationalization letters. Also, for Chileans referred to in the 2nd and 4th numbers of Article 10 of the Constitution (the children of Chilean father or mother, born in foreign territory and those granted naturalization by grace), the exercise of the rights conferred by citizenship will be subject to having been settled in Chile for more than one year.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10.



### **Do the restrictions apply to electoral rights?**

Answer: Yes

Code: 0/1 check

Explanation: Citizenship restrictions depend on the mode of acquisition and the length of time for which they have been citizens i.e. having the right to vote after 5 years in the country and being eligible for public office of popular election only after five years of being in possession of their nationalization letters. Also, for Chileans referred to in the 2nd and 4th numbers of Article 10 of the Constitution (the children of Chilean father or mother, born in foreign territory and those granted naturalization by grace), the exercise of the rights conferred by citizenship will be subject to having been settled in Chile for more than one year.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10.

### **Do the restrictions apply to public office post?**

Answer: Yes

Code: 0/1 check

Explanation: Citizenship restrictions depend on the mode of acquisition and the length of time for which they have been citizens i.e. having the right to vote after 5 years in the country and being eligible for public office of popular election only after five years of being in possession of their nationalization letters. Also, for Chileans referred to in the 2nd and 4th numbers of Article 10 of the Constitution (the children of Chilean father or mother, born in foreign territory and those granted naturalization by grace), the exercise of the rights conferred by citizenship will be subject to having been settled in Chile for more than one year.

Sources: Constitución Política de La República de Chile [Political Constitution of the Republic of Chile]. 1980. Art. 10.

### **Other type of restrictions (beyond electoral and public office posts).**

Answer: No

Code: 0

Explanation: Not further restrictions found.

Sources: Not applicable