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FEATURED Q&A

How Big a Change Is Chile's New Migration Policy?



Chilean President Sebastián Piñera on April 11 signed a long-debated immigration reform into law. // File Photo: Chilean Government.

Q Chilean President Sebastián Piñera this month signed into effect a new law that seeks to combat illegal migration into the country under the slogan of “putting the house in order.” The reform, which spent eight years under debate in Congress, includes enforcing greater border restrictions and speeding up deportations of migrants—of which most are Venezuelan. Pro-migrant organizations are highly critical of the law, arguing that it limits opportunities for migrant workers. What are the most significant changes to Chile's immigration policies, and why is the new law just now being approved? How well has Chile been handling immigration flows, and how does its situation compare to that of neighboring countries? To what extent will Chile's new law be effective in curbing migration flows, and how will it affect Chile's migrant population?

A Alfonso Silva, Chile's ambassador to the United States: “The new law aims to achieve safe, orderly, regular and responsible migration that balances the legitimate right of a state to regulate the entry, exit and stay of foreigners in the country with respect and guarantees for the protection of migrants' rights. Among the most relevant parts of the law relate to migration categories and migration control measures relating to foreigners who violate the law. The enactment of the law is accompanied by a 100 percent digital ‘Extraordinary Immigration Regularization Process,’ by which interested parties can obtain a temporary visa. Regarding Venezuelan migratory flows, Chile has promoted a regular stay through establishing the ‘Democratic Responsibility Visa,’ through which Venezuelans can reside in the country for one

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TODAY'S NEWS

POLITICAL

Mexico's López Obrador Pitches Tree-Planting Program to Biden

On the first day of a U.S.-hosted virtual climate summit, Mexican President Andrés Manuel López Obrador urged U.S. President Joe Biden to help expand a Mexican government tree-planting program into Central America.

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ECONOMIC

Chilean Senate Approves Early Withdrawals From Pension Funds

Chile's Senate approved a third round of emergency pension fund withdrawals for account holders struggling amid the pandemic.

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POLITICAL

Former Maduro Ally Implicated in Graft Case

Former Venezuelan attorney general Luisa Ortega was implicated in a corruption case that is underway in U.S. federal court in Miami.

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Ortega // File Photo: Venezuelan Government.

POLITICAL NEWS

Former Maduro Ally Implicated in Major Corruption Case

A former Venezuelan attorney general who broke ranks with President Nicolás Maduro was implicated this week in a major corruption case that involves a Venezuelan businessman who has admitted to paying \$1 million in bribes, the Associated Press reported Thursday, citing two unnamed people with knowledge of the case. The former attorney general, Luisa Ortega, has not been charged with a crime. However, she is reportedly the “high-ranking prosecutor” to whom businessman Carlos Urbano Fermin admitted paying the bribes as “insurance” against his numerous contracts with Venezuelan state oil company PDVSA, the wire service reported. On Monday, Fermin pleaded guilty to a single count of conspiring to defraud the United States in a federal courtroom in Miami. Ortega did not immediately respond to a request for comment by the AP. However, when Fermin was charged last year, she said Venezuelan authorities’ arrest of Fermin’s brother led to the bribery allegations and involved an attempt by Maduro to tarnish her reputation. Ortega, a longtime supporter of late Venezuelan President Hugo Chávez, broke with Maduro, Chávez’s handpicked successor, in 2017 over what she characterized as the country’s descent into dictatorship. She made the comments after the opposition took control of the National Assembly in the 2015 elections and Maduro responded by creating a parallel legislature made of his supporters, the Constituent Assembly, that proceeded to invalidate virtually all of the elected National Assembly’s actions. After breaking with Maduro, Ortega was fired in 2017. When the Constituent Assembly unanimously voted to dismiss Ortega, soldiers in riot gear cordoned off her office, denying her entry, and replaced her with Maduro loyalist Tarek Saab, who had been sanctioned by the United States, The Wall Street Journal reported at the time. “Liberty has been lost in this country,” Ortega said upon her firing. Maduro

loyalist Diosdado Cabello said Ortega was fired because she “had become a center of impunity in the country.” Ortega then fled to Colombia, where she and a group of exiled Venezuelan prosecutors attacked corruption in Venezuela and provided evidence on human rights abuses that Maduro’s government allegedly committed, the AP reported.

López Obrador Pitches Reforestation Program to Biden

During the first day of U.S. President Joe Biden’s virtual climate change summit on Thursday, Mexican President Andrés Manuel López Obrador made a forceful push for his tree-planting program, urging the United States to help expand the program into Central America as part of its efforts to stem the northward flow of migrants, the Associated Press reported. The program, known as Planting Life, can keep farmers from leaving their lands and migrating to the United States, said López Obrador. However, the Mexican president also proposed that the United States grant six-month work visas, and eventually citizenship, to participants. “You, President Biden, can finance the Planting Life program in Guatemala, Honduras and El Salvador,” López Obrador told his U.S. counterpart. “The proposal is that we extend this program to southeastern Mexico and Central America, to plant three billion more trees and create 1.2 million jobs.” Some 700,000 trees have already been planted in Mexico through the program, through which Mexico’s government pays 450,000 farmers about \$225 a month to tend to the trees. However, environmentalists question whether planting large numbers of commercial tree species, sometimes on land that previously was home to native forests, is a good idea. The \$3.4 billion program also may have caused the loss of 73,000 hectares of forest in 2019, according to a study by the World Resources Institute, Bloomberg News reported. Farmers in southwestern Mexico told the news service that they had chopped down and burned trees so that they could then plant new saplings in

NEWS BRIEFS

Trump Gov’t Created Hurdles That Delayed Puerto Rico Aid: Report

A watchdog report has uncovered bureaucratic hurdles that the administration of former U.S. President Donald Trump erected in order for Puerto Rico to receive aid after Hurricanes Irma and Maria, The Washington Post reported Thursday. Inspector General Rae Oliver Davis, whom Trump appointed, found that “unprecedented procedural hurdles” set by the White House budget office delayed aid to the island, which were accompanied by an extended partial federal government shutdown that also produced delays.

Three of Seven Abducted Catholic Clergy Members Released in Haiti

Three of seven Catholic clergy members who were abducted earlier this month in Haiti have been released, a church spokesman told Agence France-Presse on Thursday. Ten people were abducted in the incident in the town of Croix-des-Bouquets. Of the seven clergy, five are Haitian and two are French. The other three are lay people. Three of the Haitian clergy were the ones released, the spokesman said.

Central American Development Bank Opening Taiwan Office

The Central American Bank for Economic Integration, or CABEL, announced Thursday it plans to open a representative office in Taiwan in June, its first branch in Asia. The move makes CABEL the first international government organization to open an office on the island, according to Reuters. Taiwan is currently the largest shareholder of CABEL, with an 11.48 percent stake. CABEL’s executive president, Dante Mossi, said the strategic alliance with the Taiwan has allowed the bank to issue some \$2.6 billion in international bond markets.

their place and get the government payments. López Obrador denied that mass deforestation is taking place, however, and said the program has created 80,000 jobs in Mexico's Chiapas state, Bloomberg News reported.

ECONOMIC NEWS

Chile's Senate OKs Third Round of Pension Withdrawals

In a special session, Chile's Senate on Thursday approved the third bill in nine months allowing people to withdraw up to 10 percent from their private pension funds in order to cope with the economic effects of the pandemic, Agence France-Presse reported. The bill passed by 31 votes to 11 and now heads back to the Chamber of Deputies, where it is expected to pass overwhelmingly. Almost 90 percent of Chile has been under lockdown for close to a month as coronavirus cases rise despite relative success with its vaccination campaign. After the Senate's vote on Thursday, President Sebastián Piñera, who opposes the measure, reportedly summoned the heads of the parties that make up the ruling Vamos Chile coalition for an emergency meeting, Merco-Press reported. Although the relief measure is popular among citizens, industry experts warn that taking from savings accounts now could cut into the livelihoods or even exhaust savings of retirees in years to come, as the second pension bill in December would already have left some savers with little investment in their accounts. "One important downside of the legislation is that roughly four million of the 11 million contributors will no longer have savings in the private system," Kathleen C. Barclay, former president of the American Chamber of Commerce in Chile, told the Advisor in December. Chile's early pension fund withdrawals are "short-term consumption driven and will have a negative impact on longer-term investment," Barclay added. [Editor's note: See related [Q&A](#) in the Dec. 17 issue of the Advisor.]

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year, extendable for an additional year. This visa also allows the stay of Venezuelans who do not have a passport, and who have a spouse or minor children residing in Chile, for the purpose of allowing family reunification. Additionally, Chile is part of the Quito Process, an intergovernmental initiative that seeks to articulate a regional response to the Venezuelan migration and humanitarian crisis. Currently, Chile leads the thematic focus area of Migrant Women, Girls and Adolescents. In 2020, there were 1,492,522 foreign residents in Chile, which implies an increase of 242,157 people as compared to 2018. This represents almost 8 percent of the country's total population. Much of the increase is explained by the growth of the Venezuelan community, which became the largest foreign group in the country, increasing 57.6 percent as compared to 2018, and reaching a total of 455,494 people, equivalent to 30.5 percent of all immigrants in the country."

A **Martina Cociña Cholaky, professor and researcher at the Austral University of Chile, University of O'Higgins and University of Tarapacá:** "The migration regulations in force in Chile come from the dictatorship era, which, in accordance with the country's national security doctrine, conceptualize the foreigner as a threat, hence approaching mobility from a restrictive prism. Therefore, it is urgent for Chile to enact a new law that adopts a human rights approach and responds adequately to the new scenario: migrants in 2019 represented 7.8 percent of Chile's population, while in 2010 they did not exceed 2 percent. Thus, the current, anachronistic norms and the increase in immigration explain the need for a new legal framework. Under the premise of 'orderly, safe and regular migration,' the new law requires migrants to have a consular visa in order to migrate to Chile and prohibits them from changing their status in the country. Thus, the aim of this new visa, according to the govern-

ment, is that people who want to migrate be transparent about their reasons for entering the country. However, the evidence shows that, by imposing restrictions, displacement does not slow down, but rather, it becomes more acute. Likewise, the law grants rights to migrants, but with restrictions, thereby limiting their access to Chile. It also grants excessive discretion and establishes broad and disproportionate grounds for expulsion and immediate return, among others. When compared to the region, the policy adopted in Chile, rather than guaranteeing rights, imposes restrictions by responding to the issue of migration with militarization and securitization, something that can also be observed in other countries such as Peru. Regarding the effectiveness of stopping displacement, if the serious humanitarian crisis is considered, the new law will make migrants' situations more precarious. Rather than stop the flow of migrants, the new law will impose more difficulties for their regularization. In this context, the temporary permit that Colombia has granted to Venezuelans is an appropriate response."

A **Jorge Heine, research professor at the Pardee School of Global Studies at Boston University and former Chilean cabinet minister:** "Chile's new immigration law should be welcome. The country's immigration system was broken. There was no proper immigration system per se, as the title of the unit in the Ministry of the Interior in charge of it shows—Departamento de Extranjería. It was about time extant legislation, dating from 1975, be brought up to date. The new law creates a National Immigration Service, also dependent on the Ministry of the Interior, that will have regional offices and is designed to apply a proper immigration policy. A key difference with the previous situation, is that foreign visitors to Chile will now have to specify the purpose of their visit to Chile beforehand, and those who intend to live and work in Chile must say so in their visa

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application. For tourists and other visitors, 13 different types of visas are established. The law establishes procedures to regularize the situation of foreigners who entered Chile prior to March 20, 2020. There is some question as to what the situation of foreigners that entered the country after that date (which some estimate may reach anywhere from 30,000 to 50,000) will be, and this needs to be addressed. Chile has traditionally been a country of immigrants, but over the past decade this has become especially so, as large numbers of Venezuelans (455,000), Peruvians (235,000), Haitians (185,000), and Colombians (160,000), among others, are attracted by economic opportunity. Immigrants now make up 7.8 percent of Chile's population, or 1.5 million people. A proper immigration system was badly overdue, and the government of President Sebastián Piñera should be commended for this law."

A **Cristián Doña-Reveco, associate professor of sociology and director of the Office of Latino/Latin American Studies at the University of Nebraska at Omaha:** "Immigration in Chile has grown significantly since the mid-1990s, from representing around 1.2 percent of the total population in 2002 to more than 8 percent in 2019. The recently signed law, an important piece of Piñera's presidential campaign, is a revised version of an immigration bill he presented during his first administration, which helped speed its discussion and approval. However, while the previous version had a strong economic focus, this one is firmly grounded on immigration control. The frame of this law, 'putting the house in order,' marks a doctrine shift from what had defined immigration policy intention in previous administrations, former President Michelle Bachelet's 'Chile, a welcoming country' doctrine. The new law and the old one are almost impossible to compare. The recently signed law is the

first attempt in 70 years to have an actual somewhat comprehensive immigration law in Chile. The previous law only defined the legal structure for the country's entry and exit permits. Both, however, are constructed within a frame of immigration control. This new law frames migration in a broad language of human rights protection, while set-



This new law frames migration in a broad language of human rights protection...

— Cristián Doña-Reveco

ting up limits and restrictions to the access to these protections. For example, the law establishes specific residence conditions for immigrants to receive state sponsored social rights. The law also requires intended immigrants to apply for visas in their countries of origin, prohibits changing from a tourist permit to any temporary residence permits and makes it more difficult to obtain permanent status. As research in Chile has shown, these requirements are likely to increase irregular entry, discriminatory labor practices, contribute to an increase in the number of people living without proper documentation, and to immigrant vulnerability in general. For example, while the new law states that undocumented immigrants have access to public health in the same conditions as nationals, it also states that immigrants lacking proper documentation will be expelled. As the international experience attests, this will limit immigrant access to health as immigrants are unlikely to put themselves in a situation where they can be expelled."

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at gkuleta@thedialogue.org.

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