



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Information received from Chile on follow-up to
the concluding observations on its second
periodic report^{*}, ^{**}**

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* The present document is being issued without formal editing.

** The annex to the present document may be accessed from the web page of the Committee.



I. Introduction

1. In the present document, the State of Chile provides information on the follow-up action it has taken in respect of the priority recommendations, as requested in the concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families issued on 11 May 2021 (CMW/C/CHL/CO/2). In paragraph 65 of the concluding observations, the Committee requests the State party to provide, within two years, written information on the implementation of the recommendations contained in paragraphs 28 (non-discrimination), 38 (migrant children and adolescents), 48 (expulsion) and 62 (regularization).

2. This report has been prepared by the Ministry of Foreign Affairs, based on input provided by the Ministry of Social Development and Family, the Ministry of Education, the Ministry of Health, the National Migration Service, the Carabineros, the Investigative Police and the Office of the Undersecretary for Human Rights of the Ministry of Justice and Human Rights. All of the instruments cited include a footnote with a hyperlink to their actual text on first mention in the report.

3. Relevant developments include the enactment in April 2021 of the new Migration and Aliens Act (No. 21.325),¹ replacing the former Aliens Act of 1975. The new Act establishes the duties and obligations of migrants arriving in Chile, as well as the obligations of the State in terms of protecting the human rights of all persons, regardless of their migration status. This report will include several references to the regulations contained in the new Act, as they are relevant to the analysis of compliance with and implementation of the recommendations.

4. Lastly, it should be noted that this report includes several references to the second National Human Rights Plan (2022–2025); this public policy was adopted by the Ministry of Justice and Human Rights in its Decree No. 31 of the of 18 January 2023,² and its elaboration and implementation are the responsibility of the Office of the Undersecretary for Human Rights. The Plan includes a series of relevant actions to promote equality and non-discrimination, which are structured around three main pillars. In pillar I (equality and non-discrimination), migrants and refugees are included among the groups requiring special protection. Consequently, this report will describe the actions of the National Plan that are directly or indirectly related to issues raised in the Committee’s concluding observations.

II. Follow-up information

A. Follow-up information relating to paragraph 28 (a) of the concluding observations (CMW/C/CHL/CO/2)

5. The National Migration Service has developed a series of measures to assist and integrate migrants at the national level. Under the Migrant Seal (Sello Migrante) certification scheme that was devised in 2015, work is carried out with municipalities that have undertaken to conduct activities within the community to promote inclusion, cohesion and intercultural relations between the migrant population and Chilean nationals. Through the scheme, the National Migration Service provides participating municipalities with technical support and training in migration management, integration of migrants and refugees and intercultural relations in order to promote regular migration and encourage the participation of civil society organizations in local communities. Municipalities can apply for recognition of their practices, and the Service grants them the Migrant Seal based on an evaluation carried out by a technical team.

¹ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1158549>.

² Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1187994&idVersion=2023-01-18>.

Table 1
Municipalities participating in the Migrant Seal scheme at the national level

<i>Year</i>	<i>Number of participating municipalities</i>
2021	69
2022	113
2023	124

6. As shown above, the number of participating municipalities rose by more than 60 per cent in 2022, to a total of 113. Certification was granted to 27 municipalities during this period. Thus far in 2023, 11 more have joined, bringing the total number of municipalities that have signed letters of intent to foster integration and cohesion of migrants through an intercultural approach to 124.

7. Furthermore, in 2022, a total of 12,482 comments and queries regarding the scheme were received from participating municipalities nationwide. In 2023 to date, municipal employees have submitted 3,544 queries.

8. Through technical inspections, the National Migration Service provided assistance to 48 municipalities in 2022 and this year it is expected to equal or exceed that number. In 2022, this activity was linked to institutional management commitments and, this year, six measures, including technical inspections, were adopted to support the municipalities. Furthermore, three regional meetings on the Migrant Seal scheme were held in 2022, involving 63 municipalities in the cities of Santiago, Valparaíso and Antofagasta, in order to further develop the initiative in collaboration with the participating municipalities.

9. With regard to links between the public and private sectors, the National Migration Service created the Migrant Commitment (Compromiso Migrante) award in 2019 in response to the need for interaction with institutions, companies and trade associations (private sector) to strengthen the link between employers and their migrant workers and employees, and to enhance integration and cohesion with Chilean workers and employees. This initiative provides participating companies with technical assistance to incorporate and strengthen good practices in the management of cultural diversity, promote integration and foster cohesion between migrant and Chilean workers. It is also intended to attract news coverage to encourage the regularization of the status of migrants in the private sector.

Table 2
Institutions, companies and/or trade associations participating in the Migrant Commitment award

<i>Year</i>	<i>Number of participants</i>
2021	42
2022	116
2023	125

10. In 2022, 74 new companies from different regions of the country joined the initiative, bringing the total number of participating institutions, companies or trade associations to 116 by the end of the year. Technical inspections of 73 institutions were carried out as part of the institutional management commitments. At present, there are 125 participating institutions, triple the number in 2021.

11. Under the initiative, queries from institutions, companies and trade associations on general migration issues and the processing of residence permits are answered. This service was launched in 2021, and 100 queries were answered in the first year, 464 in 2022 and 140 thus far in 2023.

12. In January 2023, 26 companies, institutions and trade associations submitted their applications for the 2023 Migrant Commitment award. The entries will be assessed by a

technical team. In 2022, 16 of the 18 companies from the Valparaíso, Santiago Metropolitan and Libertador General Bernardo O'Higgins regions received the award.

13. Another important initiative is the programme to offer employment to foreign nationals in collaboration with the National Employment Exchange. In 2022, the National Migration Service applied for and was awarded US\$ 156,000 in funds from the National Philanthropic Trust of the United States of America for the development of a migrant employment platform.

14. The project involves making job vacancies that are difficult to fill in Chile available abroad through the National Employment Exchange, under the authority of the Ministry of Labour and Social Security. The platform will be available in 2023. With this tool, workers abroad will be able to apply for a job and, at the same time, an appropriate temporary residence permit for engaging in remunerated activities, in accordance with applicable immigration law.

15. The Carabineros commissioned a team of civilian experts to monitor networks and coordinate and support work with the migrant population in the context of the migration emergency in 2021 and 2022, as part of a series of measures for intersectoral coordination with the government and private sectors in the north of the country. As a result, humanitarian policing was enhanced in the context of the migration emergency; the informal camp set up at a local police station of the town of Colchane was improved through intersectoral coordination in Region I (Tarapacá); and the institutional authority was informed of the critical issues associated with migrant removal procedures, asylum applications by children and adolescents and the implementation of the public policy on migration.

16. Regional human rights sections were set up under the Directorate General of the Carabineros by General Order No. 2640 of 29 March 2019.³ Their function is to promote the integration of international human rights standards in the institutional processes of the respective Carabineros jurisdictions, ensure the direct application of international standards in police operations, and coordinate and oversee the effective implementation of any strategy, plan or programme at the central or regional level.

17. Since January 2021, the Human Rights Section of the Carabineros force for Region I (Tarapacá) has conducted and coordinated training sessions and talks on various topics for Carabineros officers in the region, by order of the Directorate of Human Rights and Family Protection of the Carabineros. The following training courses on migration have been offered:

(a) On 18, 20 and 24 January 2022, a talk on the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) was given by non-commissioned officer Hernán Uría García, chief of the Indigenous community integration patrol, to 25 officers at the Colchane police station and Cancosa checkpoint who work in border areas;

(b) On 21 and 24 February 2022, regional public defender Gabriel Carrión Calderón held a training session for 33 Carabineros officers from the second Pozo Almonte, Colchane and Huara police stations on the implementing regulations of the Migration and Aliens Act (No. 21.325) and bribery;

(c) On 5 March 2022, Mr. Hugo Norris, a sociologist and educator from the National Institute of Human Rights, provided training to 15 officers of the second Pozo Almonte police station on the migration crisis from a human rights perspective.

18. An annual training programme was designed in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), under the responsibility of the regional coordinator and project assistant, who, between June and September 2022, provided field training to a total of 81 Carabineros officers at various units and detachments on the work of UNHCR and IOM, human trafficking and smuggling, refugees and the migratory situation of Venezuelans around the world.

19. As part of a national programme for human rights applicable to policing, established by the Directorate of Human Rights of the Carabineros, eight courses were given by the Chief

³ Available at: https://www.carabineros.cl/transparencia/og/pdf/OG_2640_29032019.pdf.

of the Human Rights Section, Major (J) Nelson Fuentes Tatche, and the Directorate's group of instructors to 226 officers from various operational and specialized units. The courses covered topics under the module on vulnerable groups.

20. The Health Policy for International Migrants, adopted by Exempt Resolution No. 1.308 of 30 October 2017,⁴ sets out a regulatory framework with the aim of helping ensure that migrants enjoy the highest attainable standard of health, through an approach based on equality and human rights. The Policy is intended to reduce health gaps by improving the conditions under which migrants have access to and use health-care services, ensuring that they can exercise their right to health care on an equal footing with Chilean citizens.

21. Furthermore, under Supreme Decree No. 67 of 2016 of the Ministry of Health,⁵ which establishes conditions and mechanisms for certifying the status of persons living without resources or in extreme poverty, care is guaranteed for migrants who are undocumented or lack residence permits. Such persons are entitled to free (category A) public health insurance and have access to the entire benefits system.

22. In the context of the coronavirus disease (COVID-19) pandemic and the humanitarian and migration crisis in the country's northern regions in particular (at the local level and in border areas) in 2021, the Ministry of Health developed a comprehensive safe corridor strategy to promote access to health care for migrants from entry to their destination, in cooperation with the Pan American Health Organization (PAHO). The strategy aims to establish safe corridors to overcome barriers to health care for migrants who entered through unofficial border crossings, especially pregnant women and children, by pairing up health-care and psychosocial workers and hiring 56 professionals and technical experts (in nursing, psychology and social work), including senior nursing and welfare staff, in the regions of Arica y Parinacota, Tarapacá, Antofagasta, Coquimbo and Valparaíso and the Metropolitan Region.

23. Under the strategy, the health status of migrants in the territory is assessed; front-line health care has been strengthened in conjunction with priority programmes (including sexual and reproductive health, vaccinations and children's health); coordination has been established with the public health-care network to ensure referrals to the appropriate level of health care; front-line mental health care is provided; the most vulnerable persons are informed of their rights to health care; children and adolescents are supported through protection measures where necessary; needs for social support and referral to other institutions such as non-governmental organizations for migrants and United Nations agencies are fulfilled; and intersectoral coordination has been established accordingly. The World Health Organization has presented the strategy as one of 49 global examples of efforts to promote the health of refugees and migrants.⁶

24. Lastly, the following actions have been taken in response to the recommendation concerning the second National Human Rights Plan of the Office of the Undersecretary for Human Rights:

(a) Action No. 61: improving access to health-care services for migrants by registering them with the National Health Fund. This measure aims to protect and provide health-care coverage to migrants. Training on gender policy will be provided to civil servants, especially those dealing with the public. It will emphasize that health care is provided to all the country's inhabitants and does not depend on the recipient's status;

(b) Action No. 62: improving migrants' access to identification services offered by the Civil Registry and Identity Service. This involves ensuring interoperability between the Civil Registry and Identity Service and the National Migration Service for issuing and renewing migrants' identity cards;

⁴ Available at: <https://www.minsal.cl/wp-content/uploads/2015/09/Res-Exenta-1308-2017-Politica-de-Salud-de-Migrantes-Internacionales.pdf>.

⁵ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1088253>.

⁶ See: <https://www.who.int/publications/i/item/9789240067110>.

(c) Action No. 63: strengthening legal defence services for migrants and foreign nationals in areas with a high concentration of foreigners accused of crimes;

(d) Action No. 66: increasing the number of intercultural, discrimination-free and inclusive areas for migrants and refugees throughout the country;

(e) Action No. 67: enhancing the inclusion of migrants in the workplace, which involves a training plan on migration law, inclusion and non-discrimination;

(f) Action No. 68: improving quality of service for migrants at citizen services offices throughout the country;

(g) Action No. 69: strengthening the knowledge and skills of border control officials, public servants and municipal officials in relation to asylum, inclusion and non-discrimination.

B. Follow-up information relating to paragraph 28 (b) of the concluding observations

25. As regards the general framework for follow-up to the recommendation, the Executive has put forward the bill published in parliamentary bulletin No. 12.748-17 to amend and strengthen Act No. 20.609 establishing anti-discrimination measures, which is currently at the second reading stage in the Chamber of Deputies.⁷ This bill seeks to make Act No. 20.609⁸ more effective by establishing more efficient procedures and introducing the possibility for officials who commit a discriminatory act to be ordered to pay compensation for the damage and to avoid further harmful conduct through measures of non-repetition.

26. Article 2 of the bill, which was approved on first reading by the Senate and is currently under discussion by the Human Rights Commission of the Chamber of Deputies, stipulates that distinctions, exclusions, preferences or restrictions that constitute discrimination shall be particularly reprehensible when they are based on grounds such as race, ethnicity, cultural identity, nationality, migration status or status as a refugee, repatriate, stateless person or internally displaced person, socioeconomic status, language, political ideology or opinion, religion or belief, participation or non-participation in trade union organizations, sex, sexual or emotional orientation, gender, gender identity or expression, sexual characteristics, maternity, breastfeeding, marital status, age, parentage, personal appearance, mental or physical health condition, disability, HIV-positive status, work, profession or trade, or any other physical and/or social condition.

27. With regard to the work carried out by the National Migration Service, it should be noted that several of the actions mentioned in the previous section related to the care and inclusion of migrants are also relevant to this recommendation concerning the elimination of xenophobia and discrimination. Consequently, this section will only refer to additional actions that have not already been mentioned.

28. The National Migration Service understands that people are one of the main factors of change in an institution and that providing them with knowledge and tools that allow them to perform their functions based on an inclusive and intercultural approach will contribute to the integration and inclusion of migrants in the social, cultural, political and economic life of the country. For this reason, the overall objective of the Service's comprehensive training unit, created in 2023 as a continuation of the national training plan but with strengthened priority actions, is to contribute to the inclusion and non-discrimination of migrants by improving their access to benefits through the technical training of public and private sector officials in migration and related matters, which will also have a positive impact on the care and inclusion of the migrant population.

29. The National Migration Service has also strengthened training for public officials from different departments that deal with migrants at the various stages of their lives and

⁷ Available at: <https://www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=13286&prmBOLETIN=12748-17>.

⁸ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1042092&idVersion=Diferido>.

migration journeys. Training for other institutions, companies and associations that need to be familiar with the new regulations is focused on how to engage appropriately with migrants in interactions with them, including a sensitization process to better understand the migration process.

30. In this connection, the following workshops were held in 2022:

(a) Awareness-raising workshop: sought to reflect on the way in which migration is perceived and how people respond to it, with an emphasis on how stereotypes, prejudices and discrimination affect the inclusion of migrants;

(b) Migration management workshop: sought to raise awareness of current migration legislation and the principles and rights enshrined in Act No. 21.325, and to promote regular migration;

(c) Human trafficking workshop: provided information on the crime of human trafficking, its regulatory framework, how it occurs in Chile and the tools for the detection of victims and their referral;

(d) Platform use workshop: provided information on the platform that migrants use to make their applications, so that those who help them are able to better respond to the queries they receive.

31. A total of 132 training sessions were held in 2022, as part of which 274 workshops were delivered for 5,030 staff members from various public and private institutions. For the National Migration Service, such sessions provide an excellent opportunity to learn first-hand about the doubts and problems that arise in the sectoral teams that are in contact with the migrant population. In addition, four infographics – on intercultural issues, human trafficking, migrant women and residence permits – were designed and distributed to provide information to those attending the training sessions in relation to the specific workshops.

32. In November 2022, the first intersectoral meeting was held, bringing together all the institutions and services that had received training during the year, to highlight the importance and necessity of providing technical training to public and private institutions on migration and related matters as a way to contribute to the inclusion of the migrant population in Chile, and to improve their access to State benefits.

33. In planning for 2023, it was decided to prioritize training for institutions that have direct links to particularly vulnerable groups, such as migrant children and women, and those that are involved in incorporating migrants into the labour market, such as the National Service for Minors, the National Service for the Specialized Protection of Children and Adolescents (Mejor Niñez), the National Service for Women and Gender Equity, the Prison Service, the Public Criminal Defender Service, the Ministry of Women and Gender Equity, the Ministry of Health, the Ministry of Education, the Ministry of Housing, the universities of the Council of Rectors of Chilean Universities, the Labour Directorate and the National Health Fund.

34. During the 2022 training sessions, the need for new workshops on particularly vulnerable groups or specific groups was identified. In order to address that need, three new workshops are being developed in 2023 on migrant women, migrant children and adolescents and the recruitment of foreign nationals.

35. In addition, in order to better meet the growing demand for training and deliver better quality services, the National Migration Service believes that one solution would be to provide self-paced training through a modern and flexible e-learning platform. To this end, the Service will launch a virtual classroom platform during the second half of 2023.

36. The National Migration Service has also established a competitive grant fund for the inclusion of migrants. The 2022 Budget Act for the public sector provided for a total of 400,000 Chilean pesos (Ch\$) to finance regional inclusion projects. The rules laid out in the call for applications stipulate that funding is for projects that aim to create meeting points for migrant communities residing in the country and the local population and carry out activities to raise awareness of migration among the Chilean population. All municipalities in the country are eligible to apply for a migrant inclusion funding grant, as are legal entities that

are at least six months old, excluding corporations, whose operations include cultural, sports or outreach activities.

37. In addition to the above, municipalities may consider for the elaboration and execution of the project the corporations and foundations regulated under Title VI of Legislative Decree No. 1, which sets out the revised, coordinated and consolidated text of the Organic Act on Municipalities (No. 18.695),⁹ with the purpose of promoting and disseminating art, culture and sports, or promoting community and productive development.

38. The call for proposals comprised two phases, and 46 projects were financed for a total of Ch\$ 335,082,448. Of these, 33 were projects proposed by municipalities throughout the country, while 13 were from private institutions. The financing of regional inclusion projects did not continue in 2023, as there was no budget available.

39. In the Carabineros, the Department of Border Services, a specialized technical body, conducts ongoing training for personnel working in barracks in border areas so that they can acquire knowledge on the subject and on Acts Nos. 21.325 and 21.609.

40. In accordance with the cooperation agreement between the Ministry of Justice and Human Rights and the Carabineros, the Office of the Undersecretary for Human Rights introduced virtual courses in 2023 with a view to providing public officials with a basic understanding of human rights and their fundamental characteristics, instilling in them the importance and relevance of human rights in carrying out their duties, thus creating an environment conducive to promoting a culture respectful of human rights. This measure is directly related to the Human Rights Strengthening Plan for Carabineros, published through General Order No. 2.700¹⁰ of 30 October 2019, whose objectives are awareness-raising, dissemination and training of personnel who perform operational work in this area.

41. In the same vein, the Department for the Protection of Vulnerable Groups periodically reviews and validates the curricula on human rights and the role of the police in initial and continuing education institutions.

42. With regard specifically to migration, since 2002 the Carabineros have been running a migrant protection programme, led by the Directorate of Human Rights and Family Protection. One of the elements of this programme is a nationwide attitudinal study on assistance to migrant and refugee groups, aimed at Carabiniro officers, financed by IOM and conducted by the Latin American Faculty of Social Sciences. The objective of the study is to detect attitudinal biases and levels of prejudice that may prevail among Carabineros officers who perform operational work with the migrant population in Chile, according to region of residence, and to process strategic information for the prevention of violations. The study also seeks to learn about the police officers' experiences, predispositions and subjective views with respect to migrants in order to detect possible biases or prejudices and identify aspects associated with attitudes, images and ideas that are potential sources of discrimination present in the organizational culture. The study is currently in the final stage; the report is being prepared and will be finalized and circulated in due course.

43. In December 2022 the Office of the Superintendent of Education published a circular on the application of the principles of non-discrimination and equal treatment in the educational sphere (Exempt Resolution No. 707),¹¹ which explicitly states that the prohibited grounds for discrimination in the educational context and with respect to all members of school communities include nationality and migration status. In this regard, it has been established that all children have the right to receive an appropriate and affordable education, regardless of their nationality or migration status. Similarly, internationally recognized rights apply to everyone, including non-nationals, refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of their legal status and documentation.

⁹ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=251693>.

¹⁰ Available at: https://www.carabineros.cl/transparencia/og/pdf/OG_2700_30102019.pdf.

¹¹ Available at: <https://www.bcn.cl/leychile/navegar?i=1187081>.

44. Article 17 of Act No. 21.325 establishes the right of access to education for all migrants:

“The State shall guarantee access to preschool, primary and secondary education to foreign minors residing in Chile, under the same conditions as Chilean nationals. Such right may not be denied or limited because of their irregular migration status or that of either of their parents, or that of whoever has the care of the child or adolescent.”

45. The Ministry of Health has sought to bring the health system closer to the migrant community, dispel myths, disseminate information on their rights and raise awareness among health teams of the intercultural approach and culturally relevant health services. As part of the implementation of the Health Policy for International Migrants, a national training plan on migration, health, human rights and interculturality with a gender perspective is planned for 2023, on the basis of the agreement between Chile and Mexico,¹² institutional training programmes and the PAHO Virtual Campus for Public Health.

46. When it comes to communication campaigns to eliminate discriminatory stereotypes, in 2018 the “Health Has No Borders” campaign was launched, as part of which posters were displayed and messages were broadcast on the radio in Spanish and Creole.¹³ In 2020, the joint campaign by IOM, PAHO and the Ministry of Health to combat COVID-19, entitled “In Chile We All Take Care of Each Other” (“En Chile nos cuidamos todos”) included posters and publications on social media in Spanish and Creole. In 2022, in cooperation with the Ministry of Education, the United Nations Children’s Fund (UNICEF) and IOM, the Ministry of Health contributed to the preparation of an information booklet on the rights of migrants to access to health care and education.¹⁴

47. Both the country’s health services and the Ministerial Regional Health Secretariats have prepared their own information brochures and videos. Examples of these initiatives include:

(a) “Practical guide on the provision of health care to migrants regardless of their migration status” (Viña del Mar- Quillota Health Service, 2017);¹⁵

(b) “Guide to health care for migrants” (informative video prepared jointly by the Municipal Health Department, the Ministerial Regional Health Secretariat of Arica and the Arica Health Service in 2016).¹⁶

48. The following actions under the second National Human Rights Plan are relevant to the follow-up to this recommendation:

(a) Action No. 64: awareness-raising and training in the intercultural approach with teachers, artists, educators, cultural mediators and members of community cultural organizations for the design and implementation of artistic and cultural projects that promote the principles of equality and non-discrimination in respect of migrant communities;

(b) Action No. 65: organization of outreach and/or cultural dissemination activities that promote and highlight inclusion.

49. Actions Nos. 66, 67 and 69, mentioned in the section on the previous recommendation, also refer to measures to eliminate xenophobia and discriminatory stereotypes about migrant workers and members of their families.

¹² See: https://www.agci.cl/images/Insumos_IMG/Mexico/resultados/Resultados_Fondo_Chile_Mexico_2022.pdf.

¹³ See: <https://dipol.minsal.cl/campanas/>.

¹⁴ See: <https://chile.iom.int/sites/g/files/tmzbdl906/files/documents/FolletoOIM-DerechoSalud%26Educaci%C3%B3n.pdf>.

¹⁵ See: <http://www.hospitalfricke.cl/wp-content/uploads/2017/12/Cartilla-Migrantes.pdf>.

¹⁶ See: https://www.youtube.com/watch?v=hYaBaG1tJqw&t=1s&ab_channel=ServicioSaludArica.

C. Follow-up information relating to paragraph 28 (c) of the concluding observations

50. Chile has anti-discrimination legislation in place – Act No. 21.609 – that establishes a judicial mechanism to restore the rule of law whenever an act of arbitrary discrimination has been committed. The prohibited grounds of discrimination include race or ethnicity, nationality and language. Legal action may be brought by any person whose rights have been infringed against whoever is responsible for the action or omission that constitutes arbitrary discrimination.

51. Furthermore, the Migration and Aliens Act (No. 21.325) establishes the duty of the State to apply non-discriminatory criteria when deciding on admission to the national territory and, more generally, to promote the protection of migrants and foreign nationals against discrimination. Prohibited grounds of discrimination under the Act include race or ethnicity, nationality and migration status; discrimination on such grounds is prohibited for both State officials and private individuals.

52. Lastly, article 20 of the Constitution provides for a complaints mechanism in cases of discrimination in the form of the constitutional remedy of protection. This is a guarantee of access to justice aimed at safeguarding the fundamental rights of all persons who may be affected by actions or omissions attributable to the State or private parties. These actions are handled using an expedited priority procedure compared to other types of judicial remedies.

D. Follow-up information relating to paragraph 28 (d) of the concluding observations

53. Act No. 21.325 includes a special reference to foreign women, stipulating that the State must promote respect for and protection of foreign women, regardless of their migration situation, so that they are not discriminated against or subjected to violence at any stage of their migration process because of their gender, and that they must have access to all the institutions and mechanisms that safeguard their welfare. Furthermore, pregnant women, victims of human trafficking, gender-based violence or domestic violence, and victims of migrant smuggling enjoy special treatment by the State and have access to a visa to regulate their stay in the country.

54. In this context, Decree No. 177 of 2022 of the Ministry of the Interior and Public Security¹⁷ provides for the issuance of residence permits for humanitarian reasons, including for victims of human trafficking and smuggling of migrants, women victims of domestic violence, pregnant foreign women, and children and adolescents, who are entitled to obtain temporary residence of up to two years. In addition, persons who have temporary residence as dependents who are the victims of crimes that constitute domestic violence and who have brought legal proceedings that result in a conviction may apply for temporary residence, which will be granted to them without further formalities, and they will be recognized as the permit holder. Pending final judgment, victims may be eligible for temporary residence, which may be extended until the end of the judicial proceedings.

55. The Support Migrant Women (Apoya Mujer Migrante) programme is also worth mentioning. Since the programme's launch in 2022, information days have been organized for migrant women, especially those who have been in the country for one year or less. In the course of these activities, the participating women are made aware of their labour and health rights, compulsory education for children and adolescents, protection in case of domestic violence, crimes of human trafficking, and the type of residence permits for humanitarian reasons that victims of domestic violence and human trafficking and pregnant women can apply for. The purpose of the programme is to reduce the gap in migrant women's access to information on current migration legislation and the other above-mentioned areas of interest through training and dissemination of knowledge, thus bringing the institutions closer to migrant women and promoting their inclusion in Chilean society. These sessions are carried out in cooperation with institutions across various sectors – the National Service for Women

¹⁷ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1176043>.

and Gender Equity, the Ministry of Education, the Ministry of Health, the Solidarity and Social Investment Fund, the Labour Directorate, the Regional Presidential Delegations and municipalities – and are coordinated at the territorial level with the Regional Directorates of the National Service for Women and Gender Equity. These sessions are free of charge and are ideally held after working hours so that users can attend.

56. In 2022, as part of the Support Migrant Women programme, the following activities were carried out:

(a) Five pilot workshops were held, providing training to 283 migrant women in the regions of Coquimbo, Los Lagos, Arica and Parinacota and Valparaíso and the Metropolitan Region. These sessions were held at the headquarters of the Regional Presidential Delegations, municipal spaces and other spaces made available by public services, over two consecutive working days from 6 p.m. to 8.30 p.m.;

(b) The information booklet “Informada migro segura” (“Well-informed for safe migration”) was designed and distributed to provide information to those attending the training sessions on the rights established in Act No. 21.325 and the residence permits available thereunder;

(c) The first study on migrant women and access to government programmes, services and benefits was carried out by means of a survey undertaken during the sessions. The results of the survey revealed the following:

(i) Participants have very limited access to government programmes, services and benefits, with only a few exceptions, such as enrolment in family health centres in their communities (65 per cent), health care in Chilean public institutions (57 per cent) and access to education in Chilean schools for the children and adolescents in their care (46 per cent). The results in the field of health can be explained by the fact that the authorities have been working with migrants for some time and, as a result, care protocols have been better adapted to their needs. In the field of education, access is directly related to the compulsory nature of primary and secondary education in the country;

(ii) With regard to employment issues, only 21 per cent of participants said that they knew their labour rights. The number of participants who had been able to file complaints for non-compliance with labour legislation was even lower (6 per cent);

(iii) Few reported having been victims of discriminatory or hostile treatment by public officials in service settings (15 per cent). However, these responses may have been influenced by social desirability bias or fear of being judged, given that the question had to do with public institutions;

(d) In January 2023, the National Service for Women and Gender Equity began planning and organizing activities for the commemoration of International Women’s Day in March, which was considered to provide the opportunity for symbolic events in support of migrant women’s rights. In this context, three short videos highlighting the contribution of migrant women to the country’s economy and providing information on their rights were produced and posted on the Service’s social media accounts throughout the month of March. In addition, as part of these activities, the first call for photographs was issued for companies and institutions that have signed up to the Migrant Commitment, under the title “Migrant Women: Labour Inclusion in the Migration Process”, in the framework of the Cultura Migraciones initiative. In total, 23 male and female workers participated in the project, and the photographs were shown to the public attending the Support Migrant Women event that took place on 30 March.

57. The Support Migrant Women programme will be implemented in 10 regions: O’Higgins, Arica and Parinacota, Biobío, Valparaíso, Maule, Antofagasta, Tarapacá, Los Lagos and Coquimbo and the Metropolitan Region. The two-day format will be retained, and other activities will be held over one day in the other Regional Directorates that meet the criteria for organizing them. The second study on migrant women and access to government programmes, services and benefits will also be carried out by means of a survey conducted during the sessions.

58. The Carabineros' Directorate of Human Rights and Family Protection has issued technical guidelines on gender equality. The guidelines, which are based on the principles of law and a gender and intercultural perspective, include gender and the prevention of violence as relevant aspects of the main police action to be taken by the Carabineros in ensuring the protection of all vulnerable groups, and are aimed at staff operating in the territorial units.

59. In the area of health, in order to address forms of gender-based discrimination and violence in the context of migration, the Department of Health and Indigenous Peoples and Interculturality and the Department of Human Rights and Gender of the Ministry of Health raised the urgent need for an assessment of needs in relation to sexual and reproductive health and gender-based violence in the context of the humanitarian migration crisis affecting the north of Chile.

60. To this end, technical support was requested from the United Nations Population Fund, with which a joint mission was carried out in July and August 2022 to collect information with a view to identifying the needs of persons in situations of human mobility in the areas mentioned in the previous paragraph from their entry into the country, in transit and at their destination; to strengthen protection mechanisms against sexual exploitation, abuse and harassment; and to support training and awareness-raising in relation to the Minimum Initial Service Package for Sexual and Reproductive Health in Crises,¹⁸ with health-care professionals from the regions of Arica and Parinacota and Tarapacá.

61. The visit report highlighted the existence of barriers hindering the training of officials in migration, health and sexual and reproductive health issues; inadequate security conditions for officials working in camps; and the importance of recognizing the humanitarian crisis in order to develop special measures to draw attention to situations related to sexual and reproductive health and gender-based violence in that context. In response to these findings, specific protocols were created for the care of pregnant women in shelters, the provision of emergency contraception and care for victims of sexual violence, with the aim of implementing a care flow system that is coordinated with the public health network and supporting agencies, such as the Ministry of Health/PAHO pairing, IOM, UNHCR, and shelters run by the Ministry of Social Development and Family, in coordination with the Regional Secretariat of the Ministry of Women and Gender Equity and non-governmental organizations working for and with migrants, to ensure women's access to sexual and reproductive health services.

62. In a complementary manner, and within the framework of the Sectoral Advisory Team on Migrant and Refugee Health, which coordinates the actions of the Ministry of Health on health and migration issues under the Health Policy for International Migrants and the Migration and Health Action Plan, the sexual and reproductive health of migrants has been made a priority through the establishment of a thematic subcommittee aimed at mainstreaming the migration and health perspective in sexual and reproductive health plans and programmes, as well as strengthening health programmes and interventions in order to provide a comprehensive, culturally relevant response to the needs of migrants throughout their lives.

63. Action No. 20 of the second National Human Rights Plan – “strengthening care for migrant women in the area of gender violence in the support centres and shelters run by the National Service for Women and Gender Equity” – is relevant to this recommendation:.

E. Follow-up information relating to paragraph 28 (e) of the concluding observations

64. The Carabineros issue strategic guidelines in this area for the ongoing management, control and coordination of police services, in accordance with Act No. 20.609, which establishes anti-discrimination measures.

¹⁸ In general terms, it is a coordinated set of priority and life-saving activities that are implemented from the onset of a humanitarian crisis or emergency.

65. In the area of health, as indicated above, the Health Policy for International Migrants was adopted in 2017 following a participatory process in which the urgency of reducing barriers to migrants' access to health was addressed. The Policy aims to contribute to ensuring that international migrants enjoy the highest attainable standard of health, in equitable conditions and within the international framework of human rights.

66. In December 2018, the programme of access to health care for migrants was established pursuant to Exempt Resolution No. 1221, and its coverage has progressively been expanded nationwide. The programme's objective for 2023 is to implement strategies within the care model that make it possible to overcome the barriers to access to care, prevention and health promotion that affect migrants, especially the most vulnerable among them.

67. However, prior to the adoption of the Health Policy for International Migrants, the Ministry of Health had established a Sectoral Advisory Team for the Health of Migrants and Refugees in 2014, with a view to developing such a policy. It was in this framework that Decree No. 67 of 2016 was issued, pursuant to which migrants in an irregular situation, who do not have a visa or documents, were added as beneficiaries of the National Health Fund. In the same year, as an example of affirmative action, circular A15 No. 4¹⁹ on the implementation of Decree No. 67 was issued, outlining all the means of access to the health system and all the precautions to be taken to ensure that migrants have access to health care under the same conditions as Chilean nationals. This document was later updated by Circular A15 No. 5²⁰ of 3 March 2023, which facilitates the enrolment procedure for migrants without resources in the public health insurance system.

68. In addition, data on the identity of migrants were included in the monthly primary care statistical register in accordance with Technical Standard 820²¹ (updated by standard 231²²), which requires the country of origin and nationality to be recorded. The registration of nationality in the secondary and tertiary health care systems is now also mandatory. All of the above measures were decided so that the information could be analysed and monitored so as to better define the target population and inform decision-making in the area of public health.

69. When it comes to Haitian nationals, the Ministry of Health has made progress in intercultural facilitation; as a result, Haitian persons have been incorporated into the health network, they can receive care in Creole through the "Salud Responde" (Health Responds) service, and health-care personnel were trained on the importance of culturally relevant health care in 2021.

70. Actions Nos. 68 and 69 of the second National Human Rights Plan, mentioned above, may be relevant to this recommendation.

F. Follow-up information relating to paragraph 38 (a) of the concluding observations

71. The Migration and Aliens Act (No. 21.325) establishes the best interests of the child as one of the fundamental principles of protection. Accordingly, the State must adopt all administrative, legislative and judicial measures necessary to guarantee for children and adolescents the full exercise and enjoyment of their rights, as enshrined in the Constitution,²³ laws and international treaties ratified by Chile that are in force, as of their entry into the country and regardless of the migration status of their parents or guardians. This means that children and adolescents may not be subject to any type of penalty, including expulsion, for migration-related offences, nor may they be subject to administrative detention, even under the pretext of maintaining family unity.

¹⁹ Available at: <https://www.saludarica.cl/wp-content/uploads/2016/12/Circular-n%C2%BA4-13-06-16.pdf>.

²⁰ Available at: https://drive.google.com/file/d/1i6_syxEkikmkkdlIDG5Vqirr4dPvE5iC/view.

²¹ Available at: https://degi.saludorientec.cl/degidssmo/documentos/normas/NORMA_820.pdf.

²² Available at: <https://drive.google.com/file/d/1hAB74HB6WxVdZ9uo40VcrbemVhKVcPVx/view>.

²³ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=242302&idParte=>.

72. Article 28 of Act No. 21.325 protects the best interests of children and adolescents upon their entry into the country; it stipulates that unaccompanied minors who do not have the authorization of the competent authority or who do not have a travel document must be placed in the care of the authority for the protection of minors. They are then entitled to a temporary residence permit, which must be granted on a priority basis, regardless of the migration status of their parents, guardian or the person taking care of them. In the case of unaccompanied children or adolescents, or in the event of uncertainty as to the identity of persons who present themselves to the immigration authority and whether or not they are minors, the available information must be sent to the authority responsible for the protection of minors in order to safeguard their rights.

73. Regarding the principle of family reunification, article 19 of the Act states that residents may request family reunification with their spouse or with a person with whom they have a relationship equivalent to marriage, parents, minor children, children with disabilities, unmarried children under the age of 24 who are in education and minors who are under their personal care or guardianship, and that the State must promote the protection of the unity of the family. It also establishes that requests for family reunification of children and adolescents with foreign residents are to be processed on a priority basis.

74. The principles of family reunification and the best interests of the child are reflected in several aspects of the new migration legislation, such as in the definition of the subcategories of stay and residence; nationalization; the change of category from temporary stay to permanent residence; and even the application of measures such as administrative expulsion.

75. The new Migration and Aliens Act also contains provisions on statelessness, in absolute accordance with the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, both instruments ratified by Chile.

76. With regard to asylum, Act No. 20.430²⁴ and its implementing regulations (Supreme Decree No. 837²⁵) establish a special procedure for children and adolescents. It states that all children and adolescents have the right to apply for refugee status, by themselves or through their parents, direct family members, legal guardians or the persons or institutions that, in accordance with the law, are responsible for their care. Children or adolescents may, if necessary, submit an asylum application independently of their legal guardians, in order for the particular circumstances motivating their application to be taken into account, in which case the competent authority will evaluate whether or not it is appropriate to inform the authority responsible for the protection of the rights of children and adolescents. In the case of children and adolescents who are unaccompanied or separated from their families and who apply for asylum, the competent authority must immediately inform the authority for the protection of minors so that the necessary protection, care and assistance measures can be taken, including reunification with their families, and the recommendations made by Office of the United Nations High Commissioner for Refugees in the guidelines on the protection and care of refugee children must be observed.

77. In addition, the migration authority will evaluate whether it is necessary and appropriate for the minor to be accompanied, during the eligibility interview, by his or her parents, legal representatives, the person in charge of his or her personal care or an expert in children's rights, as the case may be. In the case of children and adolescents who are unaccompanied, separated from their families or orphaned, the interview will always be conducted in the presence of an expert in children's and adolescents' rights. Children and adolescents who submit an application for international protection from the State are entitled to a residence visa for a renewable period of eight months throughout the refugee status determination procedure and until its conclusion. In the event that refugee status is granted, the child will be issued a permanent residence permit. In this way, the State guarantees that children and adolescents are integrated into the host society through the effective observance of their human rights and access to services on an equal footing with Chilean nationals.

²⁴ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1012435&idVersion=2022-02-12&idParte=>

²⁵ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1023156>.

78. In this context, in 2022 the National Migration Service established a special programme to grant temporary residence to children and adolescents who entered the country illegally or who are in an irregular migration situation, regardless of the migration situation of their parents, and to implement a series of measures aimed at regularizing the situation of children and adolescents and protecting their rights.

79. Mention should also be made of the Migrant Children (Niñez Migrante) programme, the purpose of which is to develop strategies to promote regular migration in accordance with a rights-based approach, fostering the inclusion of migrant children and adolescents in Chilean society. As part of this programme, the National Migration Service participates in various intersectoral coordination mechanisms with public services, civil society and international organizations in order to identify critical issues related to the regular migration of children and adolescents and the exercise of their rights, while promoting the regularization of their situation and their inclusion in Chilean society through the dissemination of graphic and audiovisual material and the coordination of services to support children and adolescents in the process of applying for a temporary residence permit.

80. At the end of the third quarter of 2022, an important change was introduced in the processing of residence permits for children and adolescents and the regularization of their situation, namely, to allow the submission of applications from children and adolescents who had entered the country through unofficial border crossings. The National Migration Service, through the mediation service for children and adolescents, has disseminated this information among counterparts in the different public services in order to promote the regular migration status of children and adolescents, regardless of how they entered the country.

81. In this regard, the National Migration Service's activities include campaigns to support the submission of applications for residence permits for children and adolescents. In September and November 2022, the first nationwide campaigns were carried out in coordination with the Ministry of Education, aimed mainly at foreign students in their fourth year of secondary school, with a view to supporting them in the process of applying for temporary residence permits, specifically the subcategory of residence permits for humanitarian reasons for children and adolescents. This initiative also made it possible to identify applications in progress, request expedited processing and, in the case of students enrolled to take the 2022 State exam for access to higher education, coordinate with the Civil Registry and Identity Service to give priority attention to these young people so that they could obtain their identity cards. These campaigns were also carried out in a number of regions, in coordination with the Regional Directorates of Valparaíso, Maule, Los Lagos and the Metropolitan Region, reaching approximately 320 families and supporting the submission of applications for temporary residence for 271 children and adolescents.

82. During the first quarter of 2023, progress was made with regard to the number of applications for permits submitted through the campaigns run under the Migrant Children programme nationwide.

Table 3
Number of campaigns, applications processed and applications submitted under the Mejor Niñez programme (2023)

<i>Month</i>	<i>No. of campaigns</i>	<i>No. of applications processed</i>	<i>No. of applications submitted</i>
January	5	190	129
February	5	116	104
March	13	345	194
Total first quarter	23	651	427

83. The National Migration Service has also prioritized the processing of applications from children and adolescents by creating a special team and adding a tool to its platform to enable the immediate granting of visas to children and adolescents in an irregular migration situation.

Table 4

Permanent and temporary residence permits granted to children and adolescents, by year

Type of permit	2021	2022	2023 (first quarter) ²⁶	Total
Permanent residence	2 201	15 103	3 102	20 406
Temporary residence (ex visas)	12 009	42 076	7 492	61 577
Total	14 210	57 179	10 594	81 983

84. The total number of applications for temporary residence permits for children and adolescents increased by 112 per cent over the 2021–2022 period; there were 9,521 applications in 2021 and 20,218 applications in 2022, as reflected in the following table.

Table 5

Residence permits requested, by age group and gender, in 2021 and 2022

Age	<i>Temporary residence, individual regularization</i>						<i>Temporary residence, ordinary channels</i>					
	2021			2022			2021			2022		
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total
17 or under	115	102	217	2 010	2 173	4 183	4 628	4 676	9 304	7 914	8 121	16 035
18–29	45	45	90	357	337	694	12 356	11 552	23 908	10 413	10 595	21 008
30–44	31	42	73	282	191	473	12 328	12 885	25 213	9 936	11 284	21 220
45–59	12	10	22	93	75	168	5 294	4 295	9 589	5 303	4 507	9 810
60–74	3	1	4	10	9	19	1 569	1 068	2 637	2 700	1 610	4 310
75 +	0	0	0	4	0	4	141	98	239	279	211	490
No information	0	2	2	47	41	88	2	5	7	9	8	17
Total	206	202	408	2 803	2 826	5 629	36 318	34 579	70 897	36 554	36 336	72 890

85. Progress was also made in the preparation of a protocol for certifying the identity of children and adolescents who are unable to obtain documents in their country of origin. In May 2022, the mediation service for children and adolescents was set up under the Department of Inclusion of the National Migration Service's Directorate of Territory and Inclusion. Since January 2023, it has been responsible for the Migrant Children programme with a view to increasing the visibility of campaigns to regularize the situation of children and adolescents. The objective of the service is to develop strategies aimed at promoting regular migration from a rights-based approach, favouring the inclusion of migrant children and adolescents in Chilean society through the participation of various intersectoral coordination mechanisms, alongside other public services, international organizations and civil society in connection with the protection of the rights of children and adolescents in a situation of human mobility in Chile.

86. Other relevant measures include the following:

(a) Progress has been made in the dissemination of material, including graphic material, to promote the regularization of the situation of children and adolescents and provide guidance to institutions and responsible adults (130,000 units nationwide, and digital delivery);

(b) Since August 2022, special teams have been set up to evaluate applications for children and adolescents. These evaluation teams are located in the National Migration Service's Department of Operations and Legal Department;

(c) A web platform for handling the applications of children and adolescents has been established. Since September 2022, the National Migration Service's digital procedures

²⁶ As at 31 March 2023.

platform has made it possible to request the regularization of the situation of children and adolescents who entered through unofficial border crossings, which was previously done on paper.

87. Furthermore, the Office of the Undersecretary for Children, in accordance with its role as coordinator of the relevant sectors pursuant to article 75 (c) of the Act on Guarantees and Comprehensive Protection of the Rights of Children and Adolescents (No. 21.430), has rolled out a programme of work in coordination with other ministries, undersecretariats and public services to promote coordination and access to guaranteed benefits for children and adolescents, regardless of their migration status or that of their parents or guardians. Likewise, the Office of the Undersecretary for Children works jointly with civil society organizations and international agencies to provide timely and relevant responses to the needs and specificities of children and adolescents and their families in the context of mobility.

88. In this context, in February 2023, the Office of the Undersecretary convened a working group for intersectoral coordination and resolution of critical issues related to the protection of the rights of children and adolescents in the context of mobility. It was agreed to work on the basis of the following objectives:

(a) Regularization of migration of children and adolescents who entered the country through an unofficial border crossing and do not have documentation from the competent authority to prove their identity and/or filiation with their guardian;

(b) Establishment of protection channels for children and adolescents arriving through an international airport who do not have valid documentation to enter the country;

(c) Updating of the protocol for the protection of children and adolescents who are unaccompanied or separated from their families in the context of migration and/or in need of international protection.

89. Furthermore, follow-up and coordination activities have been carried out for the implementation of the protocol for the protection of children and adolescents who are unaccompanied or separated from their families in the context of migration and/or in need of international protection, developed within the framework of the working group led by the Supreme Court of Justice. In this context, coordination meetings have been held with the Carabineros, the Ministry of the Interior and Public Security, the Office of the Children's Ombudsman, and the judge presiding over the Court of Appeals, who is responsible for monitoring the protocol, among other tasks. In addition, it has been disseminated among the regional coordination offices for children of the Regional Secretariats of the Ministry of Social Development and Family and the teams of the National Calle Programme Office with a view to strengthening its implementation.

90. Finally, action No. 76 of the second National Human Rights Plan – “strengthen compliance with the circulars that prescribe the use of the category of child of a foreign national in transit only in cases where its application is appropriate according to the criteria established by the Department of Aliens and Migration” – is relevant to this recommendation.

G. Follow-up information relating to paragraph 38 (b) of the concluding observations

91. In accordance with its powers under Act No. 20.530²⁷ on the establishment of the Ministry of Social Development and Family and with Act No. 21.430, the Office of the Undersecretary for Children has signed various agreements to guarantee the rights of migrant children and adolescents, whether they are accompanied, unaccompanied or separated from their families, without any distinction, in accordance with the principles of non-discrimination and equality. The agreements signed and currently in force are as follows:

(a) Protected Migrant Children: an agreement signed with the Jesuit Migrant Service and in force at least until 31 December 2023. The project is aimed at promoting the process of inclusion and access to rights of children and adolescents and their families in the

²⁷ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1030861&idParte=9193570>.

context of mobility, who are at psychosocial risk in the regions of Arica and Parinacota, Tarapacá, Antofagasta and the Metropolitan Region, through a multidimensional humanitarian, social and legal model, based on work plans designed in partnership with the families. The agreement has the following areas of work:

- (i) Social assistance: the case management methodology is used to promote and protect the human rights of migrant and refugee children and adolescents and families, and to identify and mitigate barriers to their inclusion. Assistance is provided through individualized interventions that are adapted to the needs of each family group, together with family intervention plans designed in partnership with the families, based on a task-centred model;
- (ii) Legal assistance: seeks to promote and protect the dignity and rights of children and adolescents and families in the context of mobility by providing them with information and advice on human rights, shelter, migration regularization and carrying out actions in the public interest, within the framework of inter-institutional collaboration;
- (iii) Humanitarian aid: this is granted to migrant and refugee children and adolescents and their families who require support to meet their food needs, transportation for family reunification within the country, hygiene kits and school supplies;
- (iv) Care and learning spaces for children and adolescents: community centres in the regions of Arica and Parinacota and Antofagasta and the Metropolitan Region have set up spaces for migrant and refugee children and adolescents;

(b) Temporary shelter for children and adolescents and their families in the context of human mobility: Tarapacá Region, municipalities of Colchane and Iquique. This shelter is run in accordance with an agreement between UNICEF, UNHCR, IOM and Hogar de Cristo, as the implementing agency, valid until 31 December 2023. The shelter provides accommodation in Colchane to families facing various situations of vulnerability as a result of having entered the country through unofficial border crossings. The project also responds to the need for assistance of families in Iquique, through a mechanism that provides support, psychosocial care, activities for children and adolescents, overnight stays and transfer services for family reunification, among other things. It has the following areas of work:

- (i) Colchane reception centre: reception and information service; food; hygiene and distribution of clothes; care and protection of children and adolescents;
- (ii) Iquique reception centre: reception service, information and support; liaison with social support networks for families; food service; hygiene and clothing; care, protection, recreation and stimulation for children and adolescents;

(c) Emergency strategy for dealing with complex trauma among migrant children and their families in the regions of Arica and Parinacota, Tarapacá and Antofagasta, in the municipalities of Arica, Iquique and Antofagasta: implemented in accordance with an agreement signed with World Vision, valid until 31 December 2023. The objective of the project is to safeguard and facilitate the conditions for the development of children and adolescents and their families in the context of mobility, through interventions for dealing with crises and complex trauma in shelters, community centres and hostels located in the regions of Arica and Parinacota, Tarapacá and Antofagasta. Activities are carried out in safe spaces and play areas in shelters and reception centres to foster the emotional development of children by creating spaces of secure attachment, positive interactions and communication between caregivers and children through games. Likewise, within the framework of this project, the “Chile Grows with You” (Chile Crece Contigo) community network must establish intersectoral coordination mechanisms to work on ensuring priority access to services and benefits for children. It has the following areas of work:

- (i) Intervention in safe spaces and play areas, fostering children’s emotional development, creating spaces of secure attachment, positive interactions and communication between caregivers and children;

(ii) Socio-educational intervention with children and adolescents to reduce the impact of gaps in access to the education system and learning lag as a result of migration;

(iii) Intersectoral coordination to ensure priority access to services and benefits for children.

92. Furthermore, the National Service for the Specialized Protection of Children and Adolescents has adopted a series of measures to ensure protection and respect for the rights of migrant children, adolescents and young people in its care. In terms of the protection of rights, neither the applicable regulatory framework, nor public policies, nor the various State programmes make any distinction between children based on their nationality, and they thus do not differentiate between Chilean nationals and foreign nationals. This is in line with the various commitments undertaken by the State of Chile in the framework of international human rights treaties to which it is a party, which highlight the principles of equality and non-discrimination, including the Convention on the Rights of the Child.

93. On that basis, admission to the programmes run by the National Service for the Specialized Protection of Children and Adolescents is open to both Chilean children and foreign children residing temporarily or permanently in Chile, as migrants, refugees, asylum-seekers, stateless persons or persons at risk of statelessness, having entered the country accompanied or unaccompanied, regardless of their country of origin and migration status or that of their parents or guardians. Within this framework, in view of the special protection required by foreign children and adolescents, a particular approach is taken to their cases, involving a series of measures, such as:

(a) Regularization of their migration status;

(b) Obtaining of identity documents from their country of origin if they are undocumented;

(c) Registration in the country of origin;

(d) Locating of family networks in the event that they have been separated from their family or are unaccompanied, and international coordination to evaluate the family and carry out the family reunification process;

(e) Specialized treatment for refugee or asylum-seeking children and adolescents;

(f) Inter-State and specialized coordination in cases involving children and adolescents who are victims of human trafficking and smuggling of migrants.

94. Cognizant of the need for a particular and specialized approach to the cases of children and adolescents in a situation of human mobility, the National Migration Service included all these situations in Exempt Resolution No. 000186²⁸ of 21 March 2022, which sets out the procedure for managing the cases of foreign children and adolescents under the care of the National Service for the Specialized Protection of Children and Adolescents, or Chilean children who are abroad in conditions that violate their rights.

95. In particular, in cases involving children and adolescents who have entered Chile through an official or unofficial border crossing and have been admitted to the National Service's protection network due to a violation of their rights within the framework of a protection measure – in either alternative or outpatient care – the regularization of their migration status is ensured from the beginning of the intervention. The process is carried out with the guidance and support of the officials designated as focal points for migration regularization in each Regional Directorate, and, at the level of the National Directorate, of professionals from the International Relations and Human Mobility Service of the Intersectoral Coordination Unit, and involves international cooperation with different consular representations and competent foreign authorities.

96. In relation to the above, pursuant to the collaboration agreement between the Ministry of the Interior and the National Service for Minors of 18 December 2009, the two institutions

²⁸ Available at: https://www.mejorninez.cl/descargas/doc-MN/resoluciones/2022/REX-186_2022-Gestion-casos-NNA-extranj-chilenos-fuera-del-pais.pdf.

cooperate in ensuring the issuance of residence permits for children and adolescents who are users of the protection network. Since the launch of the “SIMPLE” digital platform, applications for temporary and permanent residence for children and adolescents under the care of the National Service for the Specialized Protection of Children and Adolescents are digitized and can be submitted online, which results in a shorter evaluation period in accordance with the legal principle of prioritization set forth in article 16 of Act No. 21.302 on the establishment of the National Service for the Specialized Protection of Children and Adolescents²⁹ and article 41 (2) of the Migration and Aliens Act (No. 21.325).

97. In the same vein, for several months now the National Migration Service has permitted digital applications for residence permits for children and adolescents, whether they entered the country through an official or unofficial border crossing. This has considerably reduced the time required to evaluate and approve applications in cases of children and adolescents who entered the country through an unofficial border crossing, since previously such cases had to be sent to the director of the National Migration Service in an official letter.

98. Furthermore, in the particular case of children and adolescents who have entered the national territory unaccompanied or separated from their families, the National Service for the Specialized Protection of Children and Adolescents adopts specific measures to ensure that these cases are handled in an appropriate and specialized manner and provides the necessary protection. The National Service is part of the inter-institutional technical committee on the situation of unaccompanied and separated children and adolescents in the context of human mobility, convened by the judiciary. The protocol on the protection of unaccompanied and separated children and adolescents in the context of migration and/or in need of international protection was developed collaboratively by the various members of the committee.

99. In such cases, the National Service carries out all the actions set forth in Exempt Resolution No. 000186, with special emphasis on the relevance of locating and evaluating family networks – both nationally and internationally – in order to restore as soon as possible the right to live in a family, while making all the arrangements for their safe and protected return.

100. As a result, it can be said that the National Service for the Specialized Protection of Children and Adolescents respects the principles of equality and non-discrimination, ensures specialized attention, taking into consideration the particular vulnerability of children and adolescents who are in irregular migration situations, unaccompanied or separated from their families, and works for the effective protection of their rights and their full and permanent enjoyment of those rights.

101. With regard to the right to access to education, the State guarantees access to preschool, primary school and secondary school for foreign children on an equal basis with Chilean nationals, irrespective of whether they or their parents or legal guardians have irregular migration status. There has also been coordination between the National Migration Service and the Civil Registry and Identity Service to enable 72 migrant students to sit the State exam for access to higher education.

102. In addition, the Ministry of Education has shared with the National Migration Service information (without names) on foreign students, disaggregated by course, establishment, municipality and region, so that the Service can organize campaigns or information sessions on obtaining regular migration status for children and adolescents, together with relevant information for each territory.

103. In this regard, the following priority criteria have been jointly defined:

- (a) Students about to turn 18 years old, with the objective of facilitating their transition to higher education;
- (b) Students of the local public education services in the regions where they are available;

²⁹ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1154203>.

(c) Annual targets by region depending on regional concentrations.

104. Furthermore, in 2017, the Ministry of Education introduced the provisional school identifier mechanism, which seeks to ensure prompt access to the education system for children and adolescents and adults in an irregular migration situation. The data from 2022 show that 53.1 per cent of all foreign students have access to the education system thanks to this mechanism.

Table 6

Total enrolment of establishments with foreign and national students³⁰

<i>Indicator</i>	<i>No.</i>	<i>%</i>
With provisional school identification number	127 786	3.5 %
Without provisional school identification number	112 728	3.1 %
Non-foreign enrolment	3 396 468	93.4 %
Total	3 636 982	100.0 %

Table 7

Foreign enrolment in operational establishments³¹

<i>Indicator</i>	<i>No.</i>	<i>%</i>
With provisional school identification number	127 786	53.1 %
Without provisional school identification number	112 728	46.9 %
Total	240 514	100.0 %

105. In view of the number of municipalities and educational levels where there are more unenrolled students than available school places, the Enrolment Strengthening Plan 2023 was launched and is being implemented by the territorial team of the Undersecretary's Office. The main objective of this plan is to improve educational provision throughout the country in order to guarantee access to education for all students, regardless of their nationality or migration status.

106. The administrators of the School Admission System have developed a protocol that makes it possible to modify the capacity declared by schools and to add new levels. Thanks to these measures, new school places have been created and made available to families for the 2023 school year. Although the solution is still partial, an important step has been achieved in the management of new school places in some saturated areas and levels.

107. In the area of health, article 136 of Legislative Decree No. 1 of 2005 of the Ministry of Health, which sets out the revised, coordinated and consolidated text of Decree-Law No. 2.763 of 1979 and Acts Nos. 18.933 and 18.469,³² establishes the beneficiaries of the health benefits system, including in subparagraph (d) "pregnant women, even if they are not members or beneficiaries, and children up to 6 years of age, for the purpose of granting the benefits referred to in article 139".

108. In addition, the Ministry of Health has put in place the National Children's Health Programme, which aims to contribute to the health and comprehensive development of children under 10 years of age, in their families and communities, through health promotion, protection, prevention and recovery activities and rehabilitation, which foster the full expression of their biopsychosocial potential and a better quality of life.

109. In the same vein, the "Chile Grows with You" comprehensive child protection subsystem is also in operation; it was launched in 2006 and began its scaled-up implementation in August 2007. Its objective is to support the development of children

³⁰ Preliminary enrolment April 2023.

³¹ Preliminary enrolment April 2023.

³² Available at: <https://www.bcn.cl/leychile/navegar?idNorma=249177>.

receiving care through the public health system from the time of their mother's first pregnancy check-up until they enter the school system. Article 11 of Act No. 20.379 of 2009,³³ on the establishment of an intersectoral social protection system and the "Chile Grows with You" comprehensive child protection subsystem, provided for the creation of a core programme of the subsystem to be implemented by the Ministry of Health – the biopsychosocial development support programme. The programme consists of personalized support and follow-up of the development of children receiving care under the public health system, regardless of nationality, from their mother's first pregnancy check-up until they reach 18 years of age. Thus, health care is guaranteed for migrant children residing in Chile, regardless of the migration status of their parents or legal guardians.

110. In this way, the Ministry of Health has sought to facilitate the inclusion of refugees and migrants in national health programmes, promoting health policies that meet their needs, taking into account their legal and social protection, and promoting the health and well-being of women, children and adolescents. Pursuant to the Action Plan (in progress 2023) established under the Health Policy for International Migrants (2017), a working group was established within the framework of the Sectoral Advisory Team on Migrant and Refugee Health and tasked with specific measures for children and adolescents. This working group implements and monitors oversight actions related to the health care of migrants and oversees the implementation of Decree No. 67 and access to care for migrant children and pregnant women.

111. With regard to adolescents, in 2021 the Ministry of Health's Department of Health and Indigenous Peoples and Interculturality, together with the National Programme for Comprehensive Adolescent and Youth Health, developed recommendations on culturally relevant comprehensive adolescent and youth health care in order to ensure the acceptability and relevance of adolescent health care within the care network. This document will be published in 2023.

112. At the intersectoral level, work has been done to prioritize the health needs of the most vulnerable migrants, through, for example, coordination for the implementation of the School Welfare Classroom Model for migrant children and their families, as well as the registration of children and adolescents in an irregular migration situation through the issuance of a provisional school identification number, as mentioned above.

113. In terms of gathering data to support the design and implementation of culturally relevant health policies for migrant children and adolescents, the Office of the Undersecretary for Public Health is currently developing a study on access and cultural relevance in primary health care for children and adolescents in migration contexts.

114. Under Act No. 21.325, foreign children and adolescents are guaranteed access to social security and State benefits on the same terms as Chilean nationals, irrespective of their or their parents' or guardians' migration status.

115. When it comes to asylum-seekers, attention is drawn to the following activities:

(a) Elaboration of a procedure manual for asylum-seeking children and adolescents that establishes the standardized treatment of unaccompanied minors and outlines the necessary referrals for the special protection of children and adolescents in this situation;

(b) Drafting of the annex to the working agreement between the National Migration Service and the National Service for Minors/Service for the Social Reintegration of Young People on refugees, which formalizes the links with that institution in relation to provisions on refugee protection;

(c) Progress in the preparation of the cooperation agreement with the National Service for the Specialized Protection of Children and Adolescents regarding asylum applications for institutionalized children, the asylum procedure for unaccompanied minors, and the establishment of referral mechanisms for cases with protection needs from the National Migration Service's Asylum and Resettlement Department to the National Service;

³³ Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1006044>.

(d) Improvements in the referral and follow-up of cases in filiation proceedings for undocumented children and adolescents with the Civil Registry and Identity Service. A database of 231 pending filiation cases was sent to the Civil Registry and Identity Service so that it could issue a national identity card or send information on the process, and a response was received on 60 cases;

(e) Dialogues on international protection of children and adolescents, in the context of migration policy.

116. When it comes to the production of statistics and general data on the subject, the National Migration Service, through its Operations Directorate and Research Department, has records and internal weekly reports on the number of applications from children and adolescents. The Research Department is also collaborating technically in a study entitled “Analysis of migrant children and adolescents”, financed by UNICEF, for the National Institute of Statistics, as part of which three reports are to be drafted between January and April 2023.

117. The Carabineros have adhered to the protocol for the protection of children and adolescents who are unaccompanied or separated from their families in the context of migration and/or in need of international protection, which is the result of an intersectoral agreement for the protection of these children and adolescents in the context of mobility and the joint work of the institutions that make up the inter-institutional technical committee. The objective of the protocol is to advance in the comprehensive protection of children and adolescents and respect for their rights and to provide better tools to all the actors involved in the migration process. In 2022, the Office of the Children’s Ombudsman and UNHCR provided training for approximately 200 officials who perform border functions in region XV (Arica and Parinacota), region I (Tarapacá) and region II (Antofagasta) in the northern part of Chile on the implementation of the protocol and the necessary tools for the submission of asylum applications by unaccompanied and separated children and adolescents. These training activities were run by the Department for the Protection of Vulnerable Groups in the first and second halves of 2022.

118. The following actions under the second National Human Rights Plan are relevant to the follow-up to this recommendation:

(a) Action No. 79: strengthening respectful and non-discriminatory treatment within the country’s educational establishments, based on the four ways of living together established in the national policy to foster harmony in schools: respectful treatment, inclusion, democratic participation and dialogue-based conflict resolution;

(b) Action No. 137: formalization of access to specialized and interdisciplinary legal defence services for children and adolescents who are unaccompanied or separated from their families throughout the country.

H. Follow-up information relating to paragraph 48 (a) of the concluding observations

119. Act No. 21.325, the Migration and Aliens Act, which entered into force on 12 February 2022, guarantees the right to due process in administrative proceedings involving the use of expulsion as an administrative penalty in migration cases. It expressly stipulates that it is the duty of the State of Chile to assure foreign nationals of reasonable and fair proceedings and investigations during the determination of penalties to be handed down in accordance with migration regulations and to ensure the necessary means for the provision of legal advice and defence to individuals who would otherwise not have access to such resources. For this purpose, reference is made to international treaties ratified by the State of Chile and which are currently in force, as well as the Constitution. The law expressly prohibits collective expulsion measures, establishes the duty of the authorities to examine and make decisions on a case-by-case basis and expressly states that children and adolescents who are foreign nationals shall not be punished for breaching migration regulations.

120. The full list of grounds for expulsion is found in articles 127 and 128 of the Migration and Aliens Act. A distinction is made between grounds for expulsion that apply to individuals with temporary authorization to remain in the country and those applying to residents.

121. The Act provides that, before the issuance of an administrative expulsion order, the National Migration Service must consider at least the following criteria: the seriousness of the facts constituting the grounds for expulsion; the individual's criminal record, if applicable; the seriousness of the offence committed; any repeated infractions of migration law; the length of the individual's stay in the country as a regularized resident; family ties; the best interests of the child; and any contributions made by the individual to the country. Using these criteria, the immigration authorities conduct an assessment that allows them to appropriately determine any penalties to be handed down, ensuring that they are proportional to the circumstances surrounding each case and thereby complying with the obligation to review the personal circumstances of each foreign national in relation to the offence committed, all of which means that collective expulsions are avoided.

122. On learning of the facts constituting the grounds for expulsion, before a penalty is handed down and all the while ensuring the right of defence, the immigration authorities inform alleged offenders that expulsion proceedings have been initiated, granting them 10 days in which to present any relevant arguments. At that point, the individuals in question are informed that if they receive expulsion orders, they may designate a representative to defend their labour and/or social security rights and comply with any pending obligations. Once the arguments presented by the individuals in question have been examined, or if none are presented before the deadline, if it is deemed appropriate to issue an expulsion order, it must be presented in a decision setting out the factual and legal grounds for expulsion.

123. Article 129 of the Migration and Aliens Act establishes certain conditions that the authorities must consider before deciding to expel a foreign national, such as whether the individual has a spouse, partner or parents who are Chilean nationals or are based in Chile and have permanent residency; whether the individual has children who are Chilean nationals or are based in Chile and have permanent residency, as well as their ages, the maintenance of a direct and regular relationship with the children and the individual's compliance with family obligations; and the best interest of the child, the right of the child to be consulted and maintenance of the family unit. Lastly, article 130 of the Act obliges the authorities to ensure that individual, not collective, assessments are carried out before the return or expulsion of foreign nationals or members of their families and that due process is guaranteed.

124. As previously mentioned, in view of the seriousness of the penalty imposed, individuals are notified of administrative expulsion orders by the investigative police, which sends them a copy of the full decision. The individuals in question and the official responsible sign the decision and include the date, time and place of signature. At the time they are notified of such orders, the individuals in question must be informed of their rights and obligations, especially those related to the remedies available, the authorities to which they should submit appeals in that regard and the deadlines for the submission of appeals. The location and opening hours of the legal aid agency corresponding to their place of residence should be indicated in case they require free legal aid.

125. Once the expulsion order is final and enforceable, there is a period of up to 48 hours during which the individuals in question may be subject to restriction or deprivation of liberty at their home or at investigative police facilities authorized for that purpose. These facilities are segregated by gender and are operated independently of facilities used to accommodate people detained for other legal reasons. Health, hygiene and living conditions in these facilities are compliant with the regulations in force.

126. Foreign nationals deprived of liberty as a consequence of an expulsion order have the following rights:

(a) The right to contact family members, legal representatives, lawyers and qualified legal personnel and to receive visits from them. The privacy of their communications and their access to telephone facilities are assured;

(b) The right to be informed in writing, within the first two hours of the issuance of the order, of their rights and obligations under the law, the Constitution and the

international human rights treaties ratified by Chile that are currently in force. An up-to-date copy of the contact details of the corresponding legal aid agency should also be provided;

(c) The right to receive medical and medicinal treatment where necessary and the right to be taken to a medical centre in serious and justified cases, in which case the deadline for the individual's removal would be postponed as long as the individual is receiving inpatient care;

(d) The right to communicate with consular representatives;

(e) The right to request an interpreter if the individual does not speak or understand Spanish;

(f) The right to receive a written copy of all information sent to the individual as a person deprived of liberty.

127. The Migration and Aliens Act also provides for deportation or return in the following cases:

(a) When a foreign national enters the country while an order for his or her expulsion or prohibition of entry or departure remains in force. This provision relates to the individual's failure to comply with the original order, which was duly issued and notified to the individual concerned, through the attempt to enter the country and does not imply the imposition of a second penalty;

(b) When a foreign national is apprehended in an attempt to enter the country by evading immigration control at official or unofficial border crossings or on presenting documents that have been falsified, doctored or issued in another person's name.

128. Individuals at the border who are to be deported or returned shall have the right to be heard by the border control authorities before the deportation or return order is enforced. Foreign nationals have the right to be informed in writing of the grounds for expulsion, deportation or return procedures and applicable remedies, the right to communicate with family members located within the national territory and the right to assistance from an interpreter.

129. Individuals may not be returned if they appear to be victims of trafficking in persons, kidnap or any other life-threatening crime. Border officials must identify whether a foreign national requires international protection pursuant to Act No. 20.430 of 2010, which contains provisions on the protection of refugees.

130. Deportation or return orders may also be appealed from abroad by filing a written submission with the National Migration Service through the Chilean consulate in the respective country within 15 days of notification of the order. Doing so does not affect the ability to pursue other applicable remedies or take legal action.

131. Lastly, Action No. 63 of the second National Human Rights Plan – “strengthening legal defence services for migrants and foreign nationals in areas with a high concentration of foreigners accused of crimes” – is relevant to this recommendation.

I. Follow-up information relating to paragraph 48 (b) of the concluding observations

132. As previously mentioned, the Migration and Aliens Act provides that, before the issuance of an administrative expulsion order, the National Migration Service must consider at least the following criteria: the seriousness of the facts constituting the grounds for expulsion; the individual's criminal record, if applicable; the seriousness of the offence committed; any repeated infractions of migration law; the length of the individual's stay in the country as a regularized resident; family ties; the best interests of the child; and any contributions made by the individual to the country. Using these criteria, the immigration authorities conduct an assessment that allows them to appropriately determine any penalties to be handed down, ensuring that they are proportional to the circumstances surrounding each case and thereby complying with the obligation to review the personal circumstances of each

foreign national in relation to the offence committed, all of which means that collective expulsions are avoided.

133. Article 129 of the Migration and Aliens Act establishes certain conditions that the authorities must consider before deciding to expel a foreign national, such as whether the individual has a spouse, partner or parents who are Chilean nationals or are based in Chile and have permanent residency; whether the individual has children who are Chilean nationals or are based in Chile and have permanent residency, as well as their ages, the maintenance of a direct and regular relationship with the children and the individual's compliance with family obligations; and the best interest of the child, the right of the child to be consulted and maintenance of the family unit.

134. Article 130 of the Migration and Aliens Act prohibits collective expulsion by expressly providing that foreign nationals and their family members may not be subject to collective expulsion, that their cases must be individually examined and that decisions should be made on a case-by-case basis. The decision to hand down an expulsion order is made by the corresponding administrative authority or by the competent criminal court in accordance with the provisions of Act No. 18.216, which establishes alternative measures to the deprivation or restriction of liberty.

135. Lastly, Action No. 63 of the second National Human Rights Plan may be of use in ensuring compliance with this recommendation.

J. Follow-up information relating to paragraph 48 (c) of the concluding observations

136. Act No. 20.430 of 2010, on the protection of refugees, and Decree No. 837, which regulates the implementation of the Act, constitute the regulatory framework for asylum in Chile. These regulations recognize and establish, at the national level, a refugee protection system in line with the provisions of the 1951 Convention relating to the Status of Refugees and the fundamental principles of the 1967 Protocol relating to the Status of Refugees.

137. Domestic legislation on refugees covers both the framework for the application of its provisions and the administrative procedures for examining applications for recognition of refugee status. It also contains fundamental guiding principles concerning international protection, such as the principle of non-refoulement, which includes the prohibition of refusal of entry at the border and the use of expulsion only in exceptional cases, as well as the principles of confidentiality, non-discrimination, non-punishment for irregular entry or stay, family reunification, free access to justice and the best interests of the child.

138. Since its initial adherence to and subsequent ratification of the 1951 Convention, Chile has adopted various measures to protect foreign nationals who are seeking asylum and are recognized as refugees, ensuring full respect for their rights at all times. For example, under article 26 of Act No. 20.430 and article 36 of Decree No. 837, on entering Chilean territory, foreign nationals may present themselves to the border control authorities to demonstrate their intention to submit a formal application for recognition of their refugee status. All foreign nationals are assured of the opportunity to enter the country at official border crossings, even if they do not meet the necessary requirements, provided that they inform the investigative police in a timely manner that they are entering Chile with the intention of applying for refugee status.

139. Notwithstanding the above, foreign nationals who enter the country through an unofficial border crossing despite having the opportunity to apply for asylum at the border and who are recognized as refugees are protected by the principle of non-punishment for clandestine entry into or irregular residence in Chile under article 6 of Act No. 20.430, which indicates that refugees shall not be subject to criminal or administrative penalties as a consequence of their irregular entry into or residence in the country provided that they present themselves to the authorities within 10 days of the violation of migration law and provide reasoned justification for their actions. Chile has therefore incorporated a safeguard for individuals applying for refugee status within the country in line with the requirements established in law.

140. Also of relevance is article 5 of Act No. 20.430, which establishes, as a fundamental principle for the protection of refugees and applicants for refugee status, that expulsion may be used on an exceptional basis only where justified for reasons of national security or public order. This provision is consistent with the 1951 Convention. Expulsion orders must therefore be issued in accordance with the legal procedures in force, and the individuals in question have the right to submit any kind of evidence in their favour and to appeal against such orders through administrative and/or judicial proceedings. Refugees or applicants for refugee status who are affected by such orders have a period of 30 days from the date on which they are notified of the order to arrange for their legal entry into another country.

141. Article 9 of Act No. 20.430 includes the principle of family reunification and extends the right to be recognized as a refugee to the refugee's spouse or cohabiting partner, parents, children and any minors under the refugee's legal guardianship, who are thus protected under the principle of non-refoulement.

142. Other forms of protection have been established for special circumstances, such as diplomatic and territorial asylum, exceptional entry for humanitarian reasons and a temporary residence subcategory for foreign nationals whose stay in Chile is justified on these grounds.

143. The principle of non-refoulement is enshrined in article 4 of Act No. 20.430, which prohibits expulsion and all other measures that would lead to the return of an individual to a country in which his or her life or personal liberty would be at risk. Foreign nationals shall be protected from all forms of return to the borders of a country where their personal safety would be endangered or where there are reasonable grounds to believe that they would be subjected to torture or cruel, inhuman or degrading treatment or punishment.

144. Act No. 21.325 provides for a new protective measure aimed at all persons not recognized as refugees that is aligned with the provisions of the 1951 Convention, its 1967 Protocol and Act No. 20.430. According to article 10 of the Act, foreign nationals applying for refugee status who have not been recognized as refugees can be granted complementary protection ex officio or at their request, in accordance with the requirements and approvals established in the National Policy on Migration and Foreign Nationals, which also sets out the grounds for withdrawal of complementary protection.

145. Special assurances are offered to foreign nationals who have obtained complementary protection that ensures that they cannot be expelled or returned to a country in which their life, physical integrity or personal freedom may be at risk of being violated on the grounds of their race, ethnicity, nationality, religion or belief, social status, political ideology or opinion, sexual orientation or gender identity.

146. Lastly, Action No. 63 of the second National Human Rights Plan may be of use in ensuring compliance with this recommendation.

K. Follow-up information relating to paragraph 48 (d) of the concluding observations

147. Expulsions are an administrative measure established under the current legal system, whose proper execution requires strict observance of due administrative process and effective access to judicial oversight.

148. For this reason, the Migration and Aliens Act (No. 21.325) extended the period for the submission of special appeals by individuals subject to an expulsion order from 24 hours to 10 days from the time they are notified in person. The appeal must be filed by the individual in question or by any person on his or her behalf before the appeals court of the claimant's domicile. The lodging of the appeal suspends the enforcement of the expulsion order until the appeal is resolved. Foreign nationals subject to an expulsion order shall have the right to free legal defence through legal aid agencies, under the same conditions as Chilean nationals.

149. In addition to the right to appeal against expulsion, foreign nationals can file constitutional proceedings for protection and *amparo* before the respective appeals courts, as established in articles 20 and 21 of the Constitution, and can appeal before the Supreme Court.

In these cases, the courts can order an injunction suspending the execution of the expulsion order.

150. Finally, Action No. 63 of the second National Human Rights Plan may help ensure compliance with this recommendation.

L. Follow-up information relating to paragraph 48 (e) of the concluding observations

151. All actions carried out by the investigative police are governed by laws and regulations that establish its competencies in this and other matters. As such, the law requires respect at all times for the guarantees of due administrative process and guides police actions to ensure that the rights of those involved are protected, especially if the procedure involves children and adolescents.

152. In this sense, and as set out in the previous section, the investigative police plays a fundamental role in notifying the affected parties and informing them of their rights, including the right to file appeals and the possibility of free legal assistance. As established by law, the investigative police, being the institution in charge of border control, also plays a role in refugee matters, particularly with regard to applications for recognition of refugee status made at official border crossing points. In such cases, officers of the investigative police force are obliged to provide the necessary procedural information and may require applicants to state the reasons that forced them to leave their country of origin and inform the corresponding administrative authority.

153. Any situation that breaches the law or that impedes the enjoyment of rights may be the subject of a judicial or administrative complaint. With respect to the former, on the basis of constitutional actions filed with them, the high courts can hear the allegations and rectify them in accordance with the law, establishing judicial oversight over acts by the authorities. At the administrative level, all of the ordinary remedies remain in place in order for complaints about any action considered to be in breach of the law to be taken to a higher level.

154. A bill, published in bulletin No. 15.409-06,³⁴ to amend Act No. 21.325 is currently before the legislature. It proposes to introduce alternative methods for informing individuals that administrative expulsion proceedings have been initiated. The amendments include the option of informing individuals by registered letter or email when they are not available at different times on two consecutive days and the establishment of the “informed migratory procedure”.

155. Finally, Action No. 69 of the second National Human Rights Plan may help ensure compliance with this recommendation.

M. Follow-up information relating to paragraph 48 (f) of the concluding observations

156. It has not been possible to obtain sufficiently detailed information on this recommendation within the allotted time frame. Chile will submit it to the Committee on Migrant Workers as soon as possible.

N. Follow-up information relating to paragraph 62 (a) of the concluding observations

157. The Migration and Aliens Act (No. 21.325) establishes that the President, advised by and in collaboration with the Ministry of the Interior and the Council on Migration Policy, will adopt a national migration policy that seeks the “integration and inclusion of foreign nationals and their diverse cultural expressions in Chilean society, fostering interculturality,

³⁴ Available at: <https://www.senado.cl/appsenedo/templates/tramitacion/index.php?#>.

in order to promote the harmonious incorporation and participation of foreign nationals in the social, cultural, political and economic life of the country”.

158. The Council on Migration Policy was established on 6 May 2022 as part of this effort and approved the initiation of the process to design and draft the policy. This included a phase of interministerial analysis on the measures implemented in relation to the migrant population and a participatory phase involving 16 regional dialogues and 8 thematic dialogues.

159. The progress and results of the completed phases were presented at the second meeting of the Council on Migration Policy on 29 December 2022, and the Ministry of the Interior and Public Security consequently prepared a preliminary national migration policy document to be reviewed by each ministry. The final national migration policy document is now being validated by the authorities, paving the way for approval by the President, as established by Act No. 21.325.

160. In order to give effect to the principles and rights that the State is required by international obligations and domestic law to uphold, with special attention being given to vulnerable groups, the Council on Migration Policy approved the inclusion of cross-cutting approaches in the national migration policy. One such approach, which relates to the rights of children and adolescents, has been incorporated into the various policy-drafting phases. Similarly, the themes central to the national migration policy cover two subjects relating to children and adolescents, together with their respective objectives, namely family reunification and persons entitled to special protection and international protection.

161. In line with the development of the national migration policy, in order to regularize the situation of children and adolescents, the National Migration Service is prioritizing the application of article 41 (2) of Act No. 21.325, which provides that children and adolescents who apply for temporary residence will be granted a permit immediately and with full effect, regardless of the migration status of the father, mother, guardian or person responsible for their personal care. In a similar vein, Decree No. 177 governs the migratory subcategories of temporary residence, particularly when granted for humanitarian reasons, providing for the situation of children and adolescents in article 10 (h) (5). Applications of this kind must be made through the digital platform of the National Migration Service by the father, mother, guardian or person responsible for the personal care of the child or adolescent, with proof of parentage, personal care or guardianship.

162. This digital platform has been open to applications for temporary residence for children and adolescents since 12 September 2022 and has been well received by the migrant population, as it has reduced the time taken to consider applications and sped up the granting of temporary residence permits. In this respect, 2,525 digital applications from children and adolescents who had not entered via an official border crossing point were processed between July 2022 and January 2023. Of the applications made before the online platform was launched, 2,393 have been processed and 1,209 are still pending the submission of background information needed in order to finish processing them.

163. In the event of uncertainty about the identity and adult status of a foreign national, and in cases where an unaccompanied child enters the country, the background information is made available to the authority responsible for the protection of children and adolescents, in accordance with current legislation, in order to safeguard their rights. The authority is responsible for requesting a temporary residence permit for individuals placed under its care or protection, always taking the best interests of children and adolescents into account.

164. As part of the process of drafting the new national migration policy in accordance with the provisions of the Migration and Aliens Act, and pursuant to Act No. 21.430 on Guarantees and Comprehensive Protection of the Rights of Children and Adolescents, the Office of the Undersecretary for Children participated in a working group together with the Ministry of the Interior and Public Security and UNICEF to draw up a participatory strategy to record experiences and identify needs relating to the following topics:

- (a) Intersectoral coordination with a rights-based approach
- (b) Regularization of the situation of migrant children and adolescents
- (c) Inclusion and guarantee of fundamental rights

- (d) Prevention of violations and protection of rights
- (e) Access to information and effective participation

165. The inputs have been worked on through a series of activities with professionals from academia and experts on migration issues and migrant children and adolescents, in order to then organize their proposals for the drafting of the migration policy, which will be presented in a plenary session.

166. The response to paragraph 38 (a) includes more information on regularization initiatives specific to children and adolescents.

O. Follow-up information relating to paragraph 62 (b) of the concluding observations

167. As indicated in Act No. 21.325, the objectives of the national migration policy are based on 10 central themes including regular migration and migration management.

168. Article 7 of Act No. 21.325 establishes the duty of the State to promote regular migration, ensuring that foreign nationals “are provided with the authorizations and temporary or permanent residence permits they need in order to stay in the country, go about their activities and exercise their rights, in accordance with the Constitution, the law and international treaties ratified by Chile and currently in force.” In addition, and specifically in relation to the national migration policy, the law establishes that this policy must include a component ensuring that high rates of regular migration are maintained in the migrant population.

169. Access to regular migration status requires the identification and registration of foreign nationals who apply to enter and, in some cases, reside in Chile. The Migration and Aliens Act establishes that persons entering or leaving the country must do so via official border crossing points, with travel documents, and provided that there are no legal obstacles to such movements. Effectively, in order for a foreign person to legally enter the country, a permit or visa indicating whether or not they intended to remain in the country needs to be presented. Persons who enter the country with no intention of settling need to have temporary leave to remain which, in the case of nationals of certain countries, must be requested and authorized by the Chilean Consular Network Abroad.

170. On the other hand, and depending on the particular circumstances of each person, migrants who enter the country with the intention of remaining for a limited period of time need to have a temporary residence permit. This may be granted to persons who can prove that they have family ties with Chileans or with permanent residents, persons whose stay is consistent with the objectives established by the national migration policy, and in other cases duly approved by resolution by the Office of the Undersecretary for the Interior following a report from the National Migration Service. Finally, persons intending to settle permanently in Chile must apply for a permanent residence permit.

171. Although Chilean regulations establish mechanisms for migrants to enter the country and reside in the country legally, irregular situations of different types remain, posing fresh challenges to State institutions. Accordingly, article 155 (8) of Act No. 21.325 empowers the Undersecretary for the Interior, in accordance with the objectives of the national migration policy, to put in place mechanisms to regularize the status of foreigners who are in an irregular migration situation, establishing the corresponding requirements, which must be determined with care in order to facilitate and promote access to regular migration status.

172. Another of the measures adopted to help regularize and manage migration is the approval, in the 2023 Public Sector Budget Act, of an allocation for a regularization programme to address the backlog of residence permit applications. The funding is intended to boost staff numbers in the National Migration Service with the aim of processing permanent and temporary residence applications and those pending resolution from the 2021 regularization process. This plan will make it possible to process more than 60 per cent of the abovementioned residency applications by 31 December 2023.

P. Follow-up information relating to paragraph 62 (c) of the concluding observations

173. Up-to-date statistics on the numbers of residence permits granted since 2021, disaggregated by year, nationality, sex and age, are set out below:

Table 8
Temporary permits granted by nationality and year of issuance

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Afghanistan	4	150	2	156
Albania	4	1	2	7
Germany	85	443	93	621
Andorra	0	2	0	2
Angola	4	13	0	17
Antarctica	0	1	0	1
Stateless person	1	0	0	1
Algeria	2	5	2	9
Argentina	3 089	5 869	1 380	10 338
Armenia	0	2	0	2
Australia	22	84	22	128
Austria	13	31	5	49
Azerbaijan	0	1	0	1
Bahamas	0	1	1	2
Bangladesh	0	1	2	3
Bangladesh	1	1	0	2
Barbados	1	1	0	2
Belgium	16	59	22	97
Belize	0	1	0	1
Benin	1	0	0	1
Belarus	0	10	3	13
Plurinational State of Bolivia	7 659	24 208	2 792	34 659
Bonaire, St Eustatius and Saba	0	1	0	1
Bosnia and Herzegovina	1	1	0	2
Botswana	0	1	0	1
Brazil	1 262	2 163	477	3 902
Bulgaria	8	6	1	15
Burundi	2	0	0	2
Cabo Verde	0	14	1	15
Cambodia	0	1	0	1
Cameroon	6	10	2	18
Canada	50	105	31	186
Chile	0	2	0	2
China	733	1 476	487	2 696
Cyprus	1	1	0	2
Colombia	16 780	40 981	3 847	61 608
Comoros	0	1	0	1
Democratic People's Republic of Korea	1	2	0	3

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Republic of Korea	54	185	32	271
Costa Rica	49	105	58	212
Croatia	2	5	3	10
Cuba	914	1 676	508	3 098
Denmark	8	21	4	33
Dominica	0	16	3	19
Ecuador	2 715	8 092	833	11 640
Egypt	7	13	5	25
El Salvador	69	180	24	273
United Arab Emirates	0	1	0	1
Scotland	1	0	0	1
Slovakia	4	8	3	15
Slovenia	0	5	0	5
Spain	705	1 516	316	2 537
United States of America	536	1 410	211	2 157
Estonia	0	1	0	1
Fiji	1	0	0	1
Philippines	20	133	51	204
Finland	8	63	7	78
France	181	634	168	983
Georgia	0	3	0	3
Ghana	3	5	1	9
Grenada	1	0	0	1
Greece	5	10	3	18
Guadeloupe	0	1	0	1
Guatemala	36	77	13	126
Guernsey	0	2	0	2
Equatorial Guinea	0	2	1	3
Guinea-Bissau	0	1	0	1
Haiti	4 764	6 884	1 084	12 732
Kingdom of the Netherlands	23	35	0	58
Honduras	69	110	18	197
Hungary	5	9	0	14
India	64	220	71	355
Indonesia	27	17	0	44
England	48	71	1	120
Islamic Republic of Iran	11	17	10	38
Iraq	1	0	0	1
Ireland	7	12	4	23
Iceland	1	0	1	2
Cocos (Keeling) Islands	0	1	0	1
Israel	5	20	1	26
Italy	200	415	57	672
Jamaica	5	9	0	14
Japan	38	179	52	269
Jordan	2	5	3	10

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Kazakhstan	0	2	1	3
Kenya	0	3	0	3
Latvia	1	3	1	5
Lebanon	5	11	1	17
Lithuania	3	4	0	7
Luxembourg	0	1	1	2
North Macedonia	1	0	0	1
Malaysia	2	3	0	5
Morocco	2	5	7	14
Mauritius	0	0	1	1
Mexico	469	829	282	1 580
Mongolia	0	1	0	1
Mozambique	1	6	2	9
Namibia	0	0	1	1
Nepal	1	18	13	32
Nicaragua	37	99	31	167
Nigeria	5	8	2	15
Norway	12	23	2	37
New Zealand	9	17	11	37
Kingdom of the Netherlands	0	25	10	35
Pakistan	42	50	14	106
State of Palestine	2	6	2	10
Panama	38	65	19	122
Paraguay	440	906	146	1 492
Peru	12 505	35 096	2 701	50 302
French Polynesia	0	1	0	1
Poland	17	35	3	55
Portugal	97	173	26	296
Puerto Rico	0	0	1	1
United Kingdom of Great Britain and Northern Ireland	1	42	30	73
Czechia	6	21	8	35
Belarus	3	7	0	10
Guyana	2	2	0	4
Republic of Moldova	0	2	0	2
Serbia	9	8	0	17
Congo	1	0	0	1
Yemen	1	2	1	4
Democratic Republic of the Congo	0	1	0	1
Dominican Republic	710	1 961	424	3 095
Romania	0	6	3	9
Romania	11	11	2	24
Russian Federation	36	223	115	374
American Samoa	0	1	0	1
Saint Pierre and Miquelon	0	0	1	1

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Senegal	3	10	15	28
No information	0	4	0	4
Singapore	0	3	0	3
Syrian Arab Republic	24	40	14	78
Sri Lanka	0	1	1	2
South Africa	17	25	5	47
Sweden	14	31	4	49
Switzerland	30	52	14	96
Thailand	3	11	4	18
Taiwan Province of China	6	18	4	28
Taiwan Province of China	0	5	0	5
Togo	4	6	0	10
Trinidad and Tobago	2	1	1	4
Tunisia	1	0	0	1
Türkiye	0	0	5	5
Türkiye	30	55	1	86
Ukraine	29	142	16	187
Uruguay	255	435	78	768
Uzbekistan	0	0	1	1
Vanuatu	1	3	0	4
Bolivarian Republic of Venezuela	43 617	117 378	7 507	168 502
Viet Nam	6	20	0	26
Yemen	2	1	0	3
Zimbabwe	0	0	1	1
Zimbabwe	1	0	0	1
Total	98 849	255 736	24 251	378 836

Table 9
Temporary permits granted by sex and year of issuance

<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
48 899	127 139	11 929	187 967
49 950	128 597	12 322	190 869
98 849	255 736	24 251	378 836

Table 10
Temporary permits granted by age range and year of issuance

<i>Age range</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
17 or younger	12 009	42 076	7 196	61 281
18–29	33 450	80 221	5 618	119 289
30–44	36 303	88 086	6 023	130 412
45–59	13 272	33 656	2 997	49 925
60–74	3 490	10 344	2 174	16 008
75 or older	322	1 162	235	1 719
No information	3	191	8	202
Total	98 849	255 736	24 251	378 836

Table 11
Permanent permits granted by nationality and year of issuance

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Afghanistan	0	3	1	4
Germany	10	61	16	87
Angola	0	5	1	6
Anguilla	0	1	0	1
Algeria	0	0	1	1
Argentina	124	893	312	1 329
Armenia	0	1	0	1
Australia	1	22	3	26
Austria	1	4	2	7
Bangladesh	2	1	1	4
Belgium	2	6	4	12
Belarus	0	4	0	4
Plurinational State of Bolivia	556	4 200	1 391	6 147
Bosnia and Herzegovina	1	1	0	2
Brazil	51	491	145	687
Bulgaria	0	1	1	2
Cabo Verde	0	2	0	2
Cameroon	0	1	0	1
Canada	2	9	9	20
China	133	337	136	606
Colombia	1 846	6 754	1 832	10 432
Comoros	0	0	1	1
Republic of Korea	2	42	12	56
Costa Rica	3	26	6	35
Croatia	0	1	0	1
Cuba	339	980	240	1 559
Denmark	0	2	1	3
Dominica	0	22	13	35
Ecuador	205	1 201	381	1 787
Egypt	0	4	8	12
El Salvador	8	33	9	50

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Scotland	0	1	0	1
Slovakia	1	0	0	1
Slovenia	0	0	2	2
Spain	39	243	77	359
United States of America	23	128	42	193
Philippines	0	27	14	41
Finland	1	1	2	4
France	28	92	17	137
Gambia	0	0	1	1
Ghana	0	0	2	2
Greece	0	1	0	1
Guatemala	0	22	6	28
Guinea	0	0	1	1
Guyana	0	0	1	1
Haiti	771	5 790	2 255	8 816
Kingdom of the Netherlands	1	1	0	2
Honduras	3	28	14	45
Hungary	0	3	0	3
India	11	74	21	106
Indonesia	0	8	1	9
England	5	5	0	10
Islamic Republic of Iran	1	10	1	12
Ireland	0	4	1	5
Israel	1	4	0	5
Italy	25	78	20	123
Jamaica	0	2	0	2
Japan	3	74	9	86
Jordan	0	1	1	2
Kazakhstan	0	0	1	1
Kenya	0	0	1	1
Latvia	0	0	1	1
Lebanon	0	2	2	4
Lithuania	0	2	0	2
Madagascar	0	1	0	1
Malaysia	0	1	0	1
Morocco	2	6	1	9
Mexico	21	147	60	228
Republic of Moldova	0	0	1	1
Mongolia	0	1	0	1
Nepal	0	6	4	10
Nicaragua	9	38	9	56
Nigeria	0	3	0	3
Norway	0	1	0	1
New Zealand	3	0	0	3
Kingdom of the Netherlands	0	9	2	11
Pakistan	16	45	17	78

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
State of Palestine	0	1	1	2
Panama	3	16	6	25
Paraguay	8	121	52	181
Peru	1 540	3 496	1 108	6 144
Poland	2	15	3	20
Portugal	11	60	8	79
Puerto Rico	0	0	1	1
Hong Kong, China	0	1	0	1
United Kingdom of Great Britain and Northern Ireland	0	32	10	42
Czechia	0	1	1	2
Serbia	0	1	0	1
Democratic Republic of the Congo	0	3	0	3
Dominican Republic	272	1 027	296	1 595
Reunion	0	1	0	1
Romania	0	3	1	4
Romania	1	1	0	2
Russian Federation	8	38	12	58
Senegal	0	0	1	1
Serbia	0	1	1	2
Singapore	0	0	1	1
Syrian Arab Republic	3	20	17	40
South Africa	0	7	2	9
Sweden	0	5	0	5
Switzerland	0	13	4	17
Thailand	0	0	1	1
Taiwan Province of China	2	10	2	14
State of Palestine	0	2	0	2
Togo	0	1	0	1
Trinidad and Tobago	0	2	0	2
Tunisia	1	2	2	5
Türkiye	0	3	0	3
Turkmenistan	0	0	2	2
Türkiye	2	7	6	15
Ukraine	0	16	8	24
Uganda	0	1	0	1
Uruguay	25	176	32	233
Uzbekistan	1	0	0	1
Vanuatu	0	1	0	1
Bolivarian Republic of Venezuela	14 827	66 771	12 640	94 238
Viet Nam	0	2	0	2
Total	20 956	93 824	21 331	136 111

Table 12
Permanent permits granted by sex and year of issuance

<i>Sex</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Male	10 943	44 859	10 314	66 116
Female	10 013	48 965	11 017	69 995
Total	20 956	93 824	21 331	136 111

Table 13
Permanent permits granted by age range and year of issuance

<i>Age range</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
17 or younger	2 201	15 103	3 102	20 406
18–29	5 541	19 246	4 295	29 082
30–44	10 448	44 655	10 030	65 133
45–59	2 367	11 642	2 857	16 866
60–74	376	2 850	915	4 141
75 or older	23	255	111	389
No information	0	73	21	94
Total	20 956	93 824	21 331	136 111

Table 14
MERCOSUR permits granted by nationality and year of issuance

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Argentina	2 735	1 496	730	4 961
Plurinational State of Bolivia	5 824	1 712	1 120	8 656
Brazil	1 024	487	214	1 725
Paraguay	343	144	52	539
Uruguay	203	64	39	306
Total	10 129	3 903	2 155	16 187

Table 15
MERCOSUR permits granted by sex and year of issuance

<i>Sex</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
Male	5 104	2 241	1 422	8 767
Female	5 025	1 662	733	7 420
Total	10 129	3 903	2 155	16 187

Table 16
MERCOSUR permits granted by age range and year of issuance

<i>Age range</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
17 or younger	749	189	59	997
18–29	4 154	1 396	887	6 436
30–44	3 666	1 603	880	6 149
45–59	1 247	574	283	2 104
60–74	284	134	43	461

<i>Age range</i>	<i>2021</i>	<i>2022</i>	<i>2023 (first quarter)</i>	<i>Total</i>
75 or older	29	7	3	39
Total	10 129	3 903	2 155	16 187

III. Addendum

174. On 1 May 2023, Chile submitted its follow-up report on priority recommendations, as requested in the concluding observations on the second periodic report of Chile by the Committee on Migrant Workers published on 11 May 2021 ([CMW/C/CHL/CO/2](#)).

175. This addendum provides additional background information that had been requested by the Committee but was not possible to obtain by the date of submission, in particular relating to paragraphs 28 (c) and 48 (f) of the concluding observations.

A. Follow-up information relating to paragraph 28 (c) of the concluding observations

176. In its report dated 1 May 2023, Chile submitted information on the existence of anti-discrimination legislation contained in Act No. 21.609, which establishes a judicial mechanism to re-establish the rule of law whenever an act of arbitrary discrimination is committed. Similarly, on the Migration and Aliens Act (No. 21.325) also establishes the duty of the State to apply non-discriminatory criteria when deciding whether or not to allow individuals to enter the country and sets out its general obligation to promote the protection of migrants and foreign nationals against discrimination. Protection is also provided under article 20 of the Constitution, which provides for complaint mechanisms in the form of constitutional protection actions that can be triggered in the event of discriminatory situations.

177. In particular with respect to the police, the Carabineros have reported that, in line with the principle of equality and protection against arbitrary discrimination enshrined in constitutional and legal norms, measures protecting persons in vulnerable situations, including migrants, have been included in various institutional regulations. Pages 20 and 21 of the Level I Manual of Policing Techniques for Carabineros³⁵ state that migrants require special police protection, in view of the situation in which they find themselves, due to the de facto inequalities they may suffer and which prevent them from exercising their rights under the same conditions as the general population.

178. In relation to article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Carabineros have adopted various institutional regulations on matters concerning police procedures involving migrants, which prioritize non-discrimination and respect for the human rights of these persons. These include Circular No. 1.872 of 14 November 2022, which provides updated instructions on the application of the Vienna Convention on Consular Relations when detaining foreign persons,³⁶ and General Order No. 2.474 of 24 March 2017, which approves the handbook on police procedures relating to migrants, and the corresponding annex.³⁷ It is also worth noting the instructions issued at the national level by the National Directorate for Security and Public Order, which maintains a website where the rights of detainees can be consulted in various languages, for use by police officers conducting procedures with foreign nationals who do not speak Spanish.

179. Moreover, and as a measure intended to promote interactions with migrants or foreign nationals, the Human Rights Management Department of the Carabineros Human Rights Directorate distributed 5,000 posters nationwide, stating the rights of detainees and victims, including in English and Creole, with the specific goal of safeguarding these rights.

³⁵ Available at: https://www.carabineros.cl/transparencia/og/pdf/OG_2490_11052017.pdf.

³⁶ A copy of this circular is attached for the Committee's information.

³⁷ Available at: https://www.carabineros.cl/transparencia/og/pdf/OG_2474_24032017.pdf.

180. In the same vein, it is worth mentioning the work of the Substation for Migration Affairs, which is part of the Radio Patrols and Police Intervention Prefecture of the Carabineros. Helping migrants to integrate into the country's population has been one of its main focuses since it began operating in December 2017. It ensures that they enjoy full and continuous support in dealing with their queries regarding crime prevention, their complaints as victims and the detention procedures that affect them as migrants, informing them of their rights in their own language or providing an interpreter and/or language facilitator for the process, among other measures. The personnel working in this Substation are trained in protocols on procedures involving migrants, especially those related to providing dignified treatment free of any discrimination, offering guidance and assistance in the implementation of complaint and detention procedures, as appropriate, and reporting the situation to the embassies and/or consulates of those affected.

181. The efforts of this Substation have had positive results, as can be seen from the fact that, to date, no complaints or allegations have been received against its staff in relation to acts of discrimination, and it has no history of internal disciplinary procedures in this area. Nor have any proceedings been brought in the general public relating to discrimination against migrant workers, or forced labour and stateless persons.

182. Each of the actions and institutional arrangements mentioned above concerning the requirement of equal and discrimination-free treatment forms an integral part of the duties of police officers from a policing, professional and official standpoint. Failure to comply with them is therefore punishable by the relevant sanctions. However, as noted above, no incidents of this nature have been reported to date.

B. Follow-up information relating to paragraph 48 (f) of the concluding observations

183. At the time the report was submitted on 1 May 2023, Chile had not yet received a response from the competent authorities regarding this request. This is now detailed below.

Table 17

Administrative expulsion orders issued and in force

<i>Administrative expulsions</i>	<i>2021</i>	<i>2022</i>	<i>2023³⁸</i>	<i>Total</i>
Administrative expulsion orders issued	8 604	928	295	9 827
Administrative expulsion orders issued and in force	7 206	870	293	8 369

Table 18

Administrative expulsion orders issued, by nationality

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023³⁹</i>	<i>Total</i>
Bolivarian Republic of Venezuela	5 485	289	41	5 815
Colombia	810	242	109	1 161
Plurinational State of Bolivia	741	131	64	936
Haiti	627	23	5	655
Peru	421	135	43	599
Cuba	222	10	1	233
Dominican Republic	130	39	10	179
Ecuador	68	28	10	106
Argentina	38	11	3	52
Brazil	9	3	1	13

³⁸ Corresponds to the period from January to March 2023.

³⁹ Corresponds to the period from January to March 2023.

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023³⁹</i>	<i>Total</i>
Spain	4	3	2	9
China	8		1	9
United States of America	7		1	8
Paraguay	5	2	1	8
Uruguay	4	2	1	7
Italy	1	5		6
Mexico	4		1	5
Germany	2			2
El Salvador	1		1	2
Morocco	1	1		2
Kingdom of the Netherlands	1	1		2
Pakistan	1	1		2
Türkiye	2			2
Bahamas	1			1
Dominica	1			1
France	1			1
Guinea-Bissau	1			1
Hungary	1			1
India	1			1
Jordan		1		1
Latvia		1		1
NC	1			1
Nicaragua	1			1
Nigeria	1			1
Panama	1			1
Senegal	1			1
Syrian Arab Republic	1			1
Total	8 604	928	295	9 827

Table 19
Administrative expulsion orders issued, by sex and age range

<i>Age range</i>	<i>2021</i>			<i>2022</i>			<i>2023⁴⁰</i>			<i>Total 2021–2023</i>
	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	
18–29	1 778	2 519	4 297	82	316	398	11	109	120	4 815
30–45	1 281	2 018	3 299	106	303	409	19	112	131	3 839
46–59	378	447	825	29	76	105	8	24	32	962
60 or older	86	97	183	2	14	16	1	11	12	211
Total	3 523	5 081	8 604	219	709	928	39	256	295	9 827

⁴⁰ Corresponds to the period from January to March 2023.

Table 20
Administrative expulsion orders issued and in force, by nationality

<i>Country of nationality</i>	<i>2021</i>	<i>2022</i>	<i>2023⁴¹</i>	<i>Total</i>
Bolivarian Republic of Venezuela	4 332	242	40	4 614
Colombia	749	239	109	1 097
Plurinational State of Bolivia	717	130	64	911
Haiti	567	22	5	594
Peru	400	134	42	576
Cuba	171	6	1	178
Dominican Republic	117	39	10	166
Ecuador	63	27	10	100
Argentina	36	11	3	50
Brazil	9	3	1	13
Spain	4	3	2	9
China	8		1	9
Paraguay	5	2	1	8
Italy	1	5		6
United States of America	4		1	5
Uruguay	2	2	1	5
Mexico	3		1	4
Germany	2			2
El Salvador	1		1	2
Morocco	1	1		2
Kingdom of the Netherlands	1	1		2
Pakistan	1	1		2
Türkiye	2			2
Bahamas	1			1
Dominica	1			1
France	1			1
Guinea-Bissau	1			1
Hungary	1			1
India	1			1
Jordan		1		1
Latvia		1		1
NC	1			1
Nigeria	1			1
Panama	1			1
Senegal	1			1
Total	7 206	870	293	8 369

⁴¹ Corresponds to the period from January to March 2023.

Table 21
Administrative expulsion orders issued and in force, by sex and age range

<i>Age range</i>	<i>2021</i>			<i>2022</i>			<i>2023</i>			<i>Total 2021–2023</i>
	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	
18–29	1 461	2 211	3 672	69	305	374	10	108	118	4 164
30–45	998	1 714	2 712	97	290	387	19	112	131	3 230
46–59	298	375	673	24	72	96	8	24	32	801
60 or older	65	84	149		13	13	1	11	12	174
Total	2 822	4 384	7 206	190	680	870	38	255	293	8 369