

April, 2018

## AMENDMENT TO MIGRATORY AND DOMESTIC POLICIES OF FOREIGN IMMIGRATION

Regarding the upcoming migratory changes announced by the Government, we may inform that they are fast-track initiatives which involve the reformulation of temporary residence visas and the creation of new visa categories oriented to those who wish to work or study in Chile. These measures shall be adopted pursuant to administrative proceedings which, even though are still in process, according to official information issued to date, would state the following:

**1. Simple Tourism Visa for Haitians:** Standardizing our country's situation to that of most countries in Latin America and the Caribbean (except for Argentina and Ecuador), the following has been established:

**a.** As of April 16th, 2018, Haitian nationals seeking to enter Chile for recreational, sports or religious purposes, with no intention to migrate, reside or develop remunerated activities in Chile, must apply for a 30-day Simple Tourism Visa. Said visa must be requested, in principle, before the corresponding Chilean Consulate prior entry to Chile.

**b. Humanitarian Visa for Haitians:** Jointly, in order to regulate the flow of immigrants and safeguard their mobility to Chile, a Humanitarian Visa for family reunification has been established for spouses, civil partners, under age children and people up to 24 years of age who are studying, provided they have no criminal records. In principle, this visa which will come into effect July 2nd, 2018, must be requested before the corresponding Chilean Consulate. The same will have a 12-month validity, renewable once, after which the holder may then be eligible for Permanent Residence. An annual quota of 10,000 visas has been set.

**2. Democratic Responsibility Visa for Venezuelans:** Given the democratic crisis which Venezuela is going through, a Democratic Responsibility Visa has been established for Venezuelan nationals, with no criminal records, which must initially, and according to official information issued to date, be requested before the corresponding Chilean Consulate in Venezuela. This visa grants temporary residence for one year, renewable once. This visa will come into effect April 16th, 2018.

**3. Temporary Residence Visa for Labor Purposes:** As of April 23rd, 2018, it will no longer be possible to request an in-country Temporary Residence Visa for Labor Purposes. Visas currently in process shall follow normal processing times, while visas which are currently valid shall remain so until they expire.



If you have any questions regarding the matters discussed in this memorandum, please contact the following attorneys or call your regular Carey contact.

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#### 4. *New visa categories available as of August 1, 2018:*

- a. **Temporary Opportunity Visa:** This visa is oriented to foreign nationals from all countries who wish to come to Chile to carry out remunerated activities for up to 12 months, renewable once. This visa must be requested before the corresponding Chilean Consular post.
- b. **Temporary International Orientation Visa:** Foreigners who have a graduate degree from one of the best universities in the world according to a ranking which shall be established to this effect, and who wish to work in our country, may request this visa. In principle, and according to official information issued to date, this type of visa must be requested before the corresponding Chilean Consular post and shall be issued for 12 months, renewable once.
- c. **National Orientation Temporary Visa:** This visa may be requested by foreign nationals who obtain a graduate degree from an accredited Chilean university and wish to work in our country. In principle, and according to official information issued to date, this type of visa must be requested before the corresponding Chilean Consular post and shall be issued for 12 months, renewable once.

**5. Amendments proposed by the government to Migratory Bill of Law:** On April 9th, Mr. Sebastián Piñera, President of Chile, sent to parliament an array of amendments proposed to the Migratory Bill of Law introduced in his 2013 administration, including some elements of the 2017 bill sent by Mrs. Michelle Bachelet's administration.

Amongst the multiple indications sent, we may highlight the following:

- a. **Flexible migratory categories:** Besides the Tourist Visa or Transitory Permanence, which authorizes a foreigner to remain in Chile for up to 90 days with prohibition to carry out remunerated activities, it builds a system of successive visa categories that reflect the extent of entrenchment the foreigner will develop in the country. This way, the bill considers first of all, the granting of temporary residence for migrants seeking to settle in Chile for a limited time (24 to 48 months, for work or study). In case they are seeking to settle indefinitely, and after having passed through the previous category, the Permanent Residence will be granted, being able, at the end of five years, to apply for Chilean Citizenship.
- b. **Modernization of the revalidation system and recognition of academic and professional qualifications:** Universities that are certified in our country for more than six years or in the equivalent of certification will have the faculty to revalidate and validate degrees obtained abroad.
- c. **Creation of the National Registry of Foreigners:** The bill creates a record that will enclose the identification of foreigners in Chile, migratory categories, denied permits, immigration infringements and other relevant information.

**d. The non-criminalization of irregular residence:** The bill removes criminal penalties for immigration infractions.

The bill would radically change the current process for obtaining temporary residence, as it would only be possible to request abroad, in the respective consulates, with no possibility to request a change of status from tourist to resident in Chile. To date, and subject to the approval of the aforementioned bill, the present categories of residence visas and work permits (notwithstanding the N°4 above) remain without modifications, as set out in the current Immigration Law and its Regulations.