

CHILE

There are three episodes in Chilean emigrant history: In the decades before the Pinochet dictatorship, Chileans emigrated mostly due to economic reasons, particularly to Argentina; during the dictatorship (1973-1990), the vast majority emigrated because of political repression or persecution; today, Chileans leave their country in search of professional, economic, or academic opportunities. The mix of these two waves has resulted in an increasingly complex migration profile: While until the 1990s it was possible to speak about the Chilean diaspora as being bonded transnationally by a culture of exile, the emigrant communities of the last 15 years have become much more diverse in their political orientations, skill composition, and reasons for emigration.¹ Currently, around 850,000 Chileans (out of 18 million) reside abroad, of whom 43% were born abroad and 57% in Chile.² More than 50% of the Chilean diaspora lives in Argentina, which therefore constitutes the main target of Chilean emigrant policies.³

Chile is not affected negatively by emigration, as for example in terms of brain-drain. On the contrary, the migration rate in Chile shows net immigration.⁴ Chile's economy does not rely on remittances and therefore does not depend on emigrants to the same extent as other Latin American countries.

Still, Chilean emigrant policies have developed considerably in recent years. State institutions provide Chilean non-residents with a broad range of services and information, and several cultural programs and symbolic policies suggest that recent governments are interested in keeping Chilean non-residents connected with Chile. In the light of globalization, political decision makers have recognized the importance of Chilean non-residents acting as brokers between Chile and the international system.

During the dictatorship, the government turned a blind eye to emigrants: Many were political opponents and had fled political persecution; as a consequence, they were not just enemies due to ideological differences, but also did not fit in the nationalist image that dominated political thinking in those days. Thus, nationality law was based on *jus soli*, excluding second and further generations of non-residents from Chilean nationality. Furthermore,

1 Del Pozo, "Los chilenos en el exterior: ¿De la emigración y el exilio a la diáspora? El caso de Montréal."

2 Cataldo Moya and Muñoz Saavedra, "Nacionalidad y ciudadanía; problemática del derecho a sufragio de los chilenos en el extranjero," 164.

3 For example, the *Infobus* only worked in Argentina, and also the program *Chile sigue contigo* focusses mainly on Argentina. For further information, see "Administration/Consulates."

4 Agar Corbinos, "Población y migraciones: pensando el Chile del futuro."

external voting was not granted by law (although between 1973 and 1989, there were no elections in dictatorial Chile, with the exceptions of the controversial 1980 Constitutional plebiscite and the 1988 plebiscite which ended military power). The articles that regulated voting, as the Chilean Constitution as a whole, were relics of dictatorial times.

Thanks to the late emigrant policy efforts that started to emerge after President Ricardo Lagos assumed office, Chilean non-residents have slowly gone from being an unwanted, exiled group to a recognized part of the Chilean citizenry, culminating in the enactment of the right to vote from abroad in 2014, for which Chileans abroad had long fought.⁵

Chilean emigrant policies, until the electoral reform of 2014, had been limited to some social, cultural, and economic rights. In recent years, starting with the first presidency of Michelle Bachelet (Socialist party, *Concertación* coalition), more policies appeared in other dimensions. Despite some administrative rearrangements, most of the policies remained through the presidency of Sebastián Piñera of the conservative party *Renovación Nacional*, pointing to some degree of institutionalization. To some observers, however, the amount of resources allocated to the engagement of the state with its diaspora remained minimal and revealed a persistent distrust between the diplomatic class and the emigrants (many of whom are seen as, or still consider themselves exiles).⁶ Emigrant policies have been reinvigorated in the second presidency of Ms. Bachelet, with the impulse she gave to the bill drafted in 2013 by senators of different parties to grant external franchise to the Chilean diaspora.⁷ After several failed attempts in the past (in 1991, 1993, 2005, 2006, and 2010), this bill was passed unanimously by the Chilean congress, becoming law. As soon as the organic law regulating external voting is passed, published, and later implemented, Chilean non-residents will be able to vote abroad. Although emigrant policies have improved since 2000, some authors argue that it cannot be said that Chile has reached a new episode of emigrant policies until external voting is implemented.⁸ External voting will still be limited to presidential elections and plebiscites; as a consequence, Chilean emigrants will not have any influence on legislative institutions, nor will they have special migrant representatives. It remains to be seen if external voting is implemented in a way that allows the vast majority of the Chilean diaspora to access the ballot.

5 Presidente de la República de Chile and Ministerio Secretario General de la Presidencia, *Ley 20748. Reforma Constitucional que regula el ejercicio del sufragio de los ciudadanos que se encuentran fuera del país*.

6 Brickle, Norambuena, and Saaverda, “Chile, el capitalismo mundial integrado - CMI - y la diáspora chilena.” Pg. 91.

7 For restrictions and further information regarding external voting, see “Suffrage.”

8 Cano Christiny, Contrucci, and Pizarro, “Conocer para legislar y hacer política. Los desafíos de Chile ante un nuevo escenario migratorio,” 64.

CITIZENSHIP/NATIONALITY

The Chilean Constitution distinguishes between citizenship and nationality. Citizens are Chileans that have reached the age of 18 and have not been convicted of a felony.⁹ Chilean nationals (*chilenos*) are those born in Chile (save for children of diplomats or foreigners in transit, who may voluntarily seek Chilean citizenship); children born abroad to Chileans; foreigners who have obtained the Chilean nationality card; and those who have been granted nationality through special merit.¹⁰

DUAL OR MULTIPLE NATIONALITY REGULATION

Until 2005, Chile did not allow dual nationality of any kind. However, the constitutional reform in 2005 inaugurated greater acceptance and tolerance regarding the acquisition of dual nationality: Chile now accepts dual nationality with all countries.¹¹ This means that foreigners applying for Chilean nationality are not required to renounce their original nationality, and, vice versa, Chileans do not lose their nationality when applying for another nationality, unless they voluntarily renounce their original nationality.¹² The reform aims at prevention of stateless persons (as the renunciation of nationality now requires the previous nationalization in another country¹³).

Chile continues to have a (now redundant) dual nationality treaty with Spain.¹⁴

Since 2005, Chilean Constitution stipulates the possibility for children and grandchildren of Chileans to apply for Chilean nationality although they are born abroad, and, in contrast to previous legislation, with no requisite of residence in order to apply for nationality.¹⁵ The only requisite is that the parents'/grandparents' Chilean nationality be granted because of *jus soli*, nationalization by nationalization card, or nationalization because of special merits (i.e. Chileans who obtained their nationality through *jus sanguinis* cannot bequeath their nationality to their children/grandchildren).

9 Presidente de la República de Chile and Ministerio Secretario General de la Presidencia, *Constitución Política de la República de Chile*, Art. 13.

10 Ibid. Art. 10.

11 DICOEX and OIM, "Manual del regreso para chilenos en el exterior," 10, 15.

12 Presidente de la República de Chile and Ministerio Secretario General de la Presidencia, *Constitución Política de la República de Chile*, Art.10-17.

13 Ibid. Art. 11.

14 DICOEX and OIM, "Manual del regreso para chilenos en el exterior," 17.

15 Presidente de la República de Chile and Ministerio Secretario General de la Presidencia, *Constitución Política de la República de Chile*, Art. 10.

LOSS OF CITIZENSHIP/NATIONALITY

Chilean law does not establish permanent residence abroad or dual/multiple nationality as criteria for losing Chilean nationality or Chilean citizenship (including citizen rights).¹⁶

However, for Chileans born outside the country (2nd/3rd generation), the requisite for citizenship – the capacity to exercise voting rights – is to live at least one year in Chile.¹⁷ That means that for Chileans born abroad, despite being nationals, must live at least one year in Chile to acquire citizenship/citizen rights.

In keeping with the distinction between citizenship and nationality, Chilean law establishes some reasons for the loss of citizenship or nationality. The reasons for losing Chilean nationality are voluntary renunciation of nationality at a competent Chilean authority (with previous nationalization in another country); betrayal in the case of foreign aggression; cancelation of the national card (document that awards Chilean nationality to foreigners); by law revoking nationalization for special merits.¹⁸ In contrast, grounds for losing Chilean citizenship are loss of Chilean nationality, penal conviction, or criminal act.¹⁹

DIFFERENT RIGHTS FOR EXTERNAL CITIZENS

There are no differences in citizen rights and duties for persons who reside outside of Chile aside from those mentioned previously and those covered in the next section. (See “Loss of citizenship” and “Voting rights of non-resident citizens.”).

SUFFRAGE

VOTING RIGHTS OF NON-RESIDENT CITIZENS

The Chilean Constitution does not mention residence as a criterion for franchise and does not prevent Chilean emigrants from voting.²⁰ At the same time, until the constitutional reform of 2014,²¹ Chileans had to travel back home in order to vote in the circumscription of his or her last residence

16 Ibid. Art. 11, 16, and 17.

17 Ibid. Art. 13.

18 Ibid. Art. 11.

19 Ibid. Art. 17.

20 Ibid. Art. 16.

21 Presidente de la República de Chile and Ministerio Secretario General de la Presidencia, *Ley 20748. Reforma Constitucional que regula el ejercicio del sufragio de los ciudadanos que se encuentran fuera del país.*

or birthplace,²² as the Constitution did not offer any provisions for external voting. The 2014 Constitutional reform, provides the possibility for external voting, but includes several restrictions: First, external voting rights will only apply for Chileans who were born in Chile or for their children/grandchildren born abroad who have resided in Chile for at least one year; second, external voting will be limited to presidential elections and national referenda; third, this means that not only will Chilean emigrants still be excluded from legislative elections, but there will also be no representative who acts for emigrants' needs and interests. Chilean emigrants are only able to vote for the legislature if they travel back home to Chile.²³

Since the constitutional reform of 2009, voting is voluntary.²⁴

Voting rights may be suspended in case of interdiction, in case of dementia or conviction of a criminal act or offense.²⁵

As Chile is a unitary state,²⁶ there are no elections for regional executives, legislatures or referenda.

CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS

Chileans born abroad and naturalized Chileans are required to live at least one year in Chile in order to obtain citizen rights and, therefore, electoral rights.²⁷

Chilean law doesn't mention the requisite of residence in order to be able to run for President. In addition to being a national born in Chile or children of Chileans in first or second generation, a requisite for being elected to the presidency is to be a citizen with the right to vote.²⁸ This means that all Chilean non-residents who were born in Chile and all Chilean non-residents born abroad who have lived in Chile for at least one year can be elected President.

The National Congress of Chile is bicameral and is composed of the lower house, known as the Chamber of Deputies, and the upper house, the Senate. In addition to possessing the right to vote, the Constitution establishes that one must have maintained residence in the region that forms part of the corresponding electoral district for at least two years before election in order

22 Ministerio del Interior, *Ley 18556. Ley Orgánica Constitucional sobre sistema de inscripciones electorales y servicio electoral*, Art. 10.

23 Ministerio Secretaría General de la Presidencia, *Ley 20568. Regula la inscripción automática, modifica el servicio electoral y moderniza el sistema de votaciones*, Art. 10.

24 Presidente de la República de Chile and Ministerio Secretario General de la Presidencia, *Constitución Política de la República de Chile*, Art. 15.

25 *Ibid.* Art. 16.

26 *Ibid.* Art. 3.

27 *Ibid.* Art. 13.

28 *Ibid.* Art. 25.

to be allowed to run for deputy.²⁹ No such extra requirement exists to run for the Senate; one must only be enfranchised.³⁰

VOTING METHODS AVAILABLE TO NON-RESIDENT CITIZENS

Until the implementation of the constitutional voting reform, Chilean non-residents have to travel to Chile in order to vote (in-country voting; there is no external voting implementation until the organic law now in the legislative process is passed). Until now, non-residents who came back to Chile to vote had to vote in the circumscription of their place of birth or their last place of residence in Chile.³¹ Those born abroad or those that have never resided in Chile could not vote. As soon as the organic law required by the constitutional voting reform of 2014 has been implemented, Chilean emigrants will be able to vote outside the country.³² This law will regulate the inscription, the electoral registry, and the way that external elections will be conducted (i.e. which external voting methods will be available).

REGISTRATION FOR FRANCHISE

Since 2012, electoral registration has been automatic. All persons who meet with the requisites for voting (Chileans over 18 years of age, and who have not been convicted of a serious offence;³³ or foreigners having lived in Chile for at least 5 years and not having been convicted of a serious offence³⁴) will be inscribed automatically when reaching legal age.

In order to vote, citizens are required to present a valid passport or ID card.³⁵

First generation non-resident Chileans were never eliminated from the electoral register and are treated as residents and thusly the registration method is currently the same as for residents (automatic). The organic law based on the Constitutional reform will indicate how registration for non-residents will work in future.³⁶

29 Ibid. Art. 48.

30 Ibid. Art. 50.

31 Ministerio del Interior, *Ley 18556. Ley Orgánica Constitucional sobre sistema de inscripciones electorales y servicio electoral*, Art. 10.

32 Presidente de la República de Chile and Ministerio Secretario General de la Presidencia, *Ley 20748. Reforma Constitucional que regula el ejercicio del sufragio de los ciudadanos que se encuentran fuera del país*.

33 Ministerio del Interior, *Ley 18556. Ley Orgánica Constitucional sobre sistema de inscripciones electorales y servicio electoral*, Art. 5.

34 Ibid. Art. 6.

35 Ministerio del Interior, *Ley 18700. Ley Orgánica Constitucional sobre votaciones populares y escrutinios*, Art. 62.

36 Presidente de la República de Chile and Ministerio Secretario General de la Presi-

After having reached legal age and resided in Chile for at least one year, Chileans who gained Chilean nationality through *jus sanguinis* in first or second generation or special merits will be inscribed in the electoral registry automatically, providing the Electoral Service has access to the information that proves the compliance with the required conditions.³⁷

MODE OF REPRESENTATION

Chileans living abroad have requested representation in the National Congress;³⁸ however, there is currently no representation of expatriate Chileans in the legislative organs of the state.³⁹

EXTERNAL VOTING IMPLEMENTATION

External voting is granted by the 2014 electoral reform, but in order to be implemented, the corresponding organic law must be enacted. Experts assume and politicians (the President) assure that for the next Presidential elections in 2017, the Chilean diaspora will be able to vote.⁴⁰

Organizations of civil society have demanded further electoral reforms that go beyond the current one. They demand external legislative voting and electoral rights for Chilean non-residents born abroad (without the requisite of one year residence in Chile).⁴¹

Current president Michelle Bachelet has stressed the importance of external voting and has pointed out that she presented a law initiative during her first mandate that was blocked by her successor, Sebastián Piñera.⁴² Pressure from civil society inside and outside the country contributed crucially to the constitutional reform that establishes external vote.⁴³ One 2004 poll

dencia, *Ley 20748. Reforma Constitucional que regula el ejercicio del sufragio de los ciudadanos que se encuentran fuera del país.*

37 Ministerio del interior, *Ley 18556. Ley orgánica constitucional sobre sistema de inscripciones electorales y servicio electoral*, Art. 6.

38 Red Internacional de Chilenos por los Derechos Políticos y Cívicos et al., “Chilenos en el exterior se preparan para votar por primera vez y piden representación en Parlamento. Declaración final del IV encuentro de chilenos/as en Europa. Hacia la construcción de políticas públicas”; Comité internacional Chile somos todos, “Principales Demandas.”

39 Ministerio del Interior, *Ley 18700. Ley Orgánica Constitucional sobre votaciones populares y escrutinios*, Art. 179-180.

40 Biblioteca del Congreso Nacional de Chile, “Voto de chilenos en el extranjero.”

41 Comité Internacional Chile somos todos, “Principales demandas.”

42 Presidenta de la República, *Mensaje de S.E. la Presidenta de la República con el que se inicia un proyecto de ley que regula la inscripción automática, el sufragio voluntario y el voto de los chilenos en el extranjero.*

43 Red Internacional de Chilenos por los Derechos Políticos y Cívicos et al., “Chilenos en el exterior se preparan para votar por primera vez y piden representación en

showed that 73% of Chilean emigrants would participate in elections, if they had the possibility.⁴⁴

Some experts have observed that since the return of democracy, public emigrant policies have been focused on the promotion of commerce, as also on facilitating foreign investment in Chile, rather than on political areas⁴⁵, while others have said that the government was engaged with the enactment of 50 other important constitutional reforms that had higher political priority (divorce law, nationality law, etc.), and was not able to address external voting earlier.⁴⁶

REGULATION OF POLITICAL COMPETITION

The regulation of political competition abroad is another area that is pending further regulation in Chile.

PARTY OFFICES IN HOST COUNTRIES

Neither the Constitution nor the Electoral Law⁴⁷ or the Party Law⁴⁸ either permit or prohibit external party offices. Furthermore, the Ministry of Foreign Affairs confirmed that they do not know whether external party offices exist.⁴⁹

The only party that maintains permanent offices abroad is the Chilean Socialist Party (*Partido Socialista de Chile*). They trace their origins to times of political exile (during the Pinochet dictatorship).⁵⁰ Their function has had less to do with securing funding for campaigns or political support and more to do with keeping Chilean citizens living abroad connected to their country and

parlamento. Declaración final del IV encuentro de chilenos/as en Europa. Hacia la construcción de políticas públicas.”

44 Dirección para la Comunidad de Chilenos en el Exterior, “Memoria 2006-2010,” 12.

45 Red Internacional de Chilenos por los Derechos Políticos y Cívicos et al., “Chilenos en el exterior se preparan para votar por primera vez y piden representación en parlamento. Declaración final del IV encuentro de chilenos/as en Europa. Hacia la construcción de políticas públicas.”

46 Cataldo Moya, Felipe Andrés and Muñoz Saavedra, Paula Alejandra, “Nacionalidad y ciudadanía; problemática del derecho a sufragio de los chilenos en el extranjero,” 135.

47 Ministerio del Interior, *Ley 18700. Ley Orgánica Constitucional sobre votaciones populares y escrutinios*.

48 Ministerio del Interior, *Ley 18603. Ley Orgánica Constitucional de los partidos políticos*.

49 Ministerio de Relaciones Exteriores, Dirección de Atención Ciudadana y Transparencia, “Respuesta a la solicitud de acceso N°AC001W-0000563,” -0000563.

50 Biblioteca Clodomiro Almeyda and Partido Socialista de Chile, “PS en el Exterior - Partido Socialista de Chile.”

to their political conviction. It remains to be seen how their role will change once the external voting has been implemented. Currently, the PS holds party offices in Austria, Belgium, Brazil, Ecuador, France, Mexico, Spain, Sweden, the USA, and Venezuela.⁵¹

The Radical Social Democrat Party (*Partido Radical Socialdemócrata*) has a Facebook-page for the External Region, but doesn't maintain permanent offices.⁵²

Outside of election periods, Chilean political parties do not receive public funding and therefore rely exclusively on membership fees.⁵³ As a consequence, neither do external party offices. During electoral campaigns, political parties receive public funding, private donations, and bank loans.

It remains to be seen if the organic law regulating external voting will address the topic of public funding of external party offices during campaigns.

POLITICAL CAMPAIGNS

Chile has no specific regulation for political campaigns abroad. As external voting has not yet been implemented, Chilean emigrants have not been an important target group. Furthermore, Chilean law prohibits both party funding from abroad⁵⁴ and political campaign funding from abroad.⁵⁵

MEMBERSHIP

In order to belong to a political party, Chileans must be citizens and possess the right to vote.⁵⁶ This means that Chileans born outside Chile that have not been living in Chile are not allowed to join a Chilean political party.

The statutes of the six biggest parties reveal that only the Socialist Party makes special reference to adherents living abroad. The other parties don't mention Chilean emigrants, but neither do they establish residence in Chile as a condition for being an active or passive party member.⁵⁷

51 Ibid.

52 Partido Radical Social Demócrata, "Partido Radical Socialdemócrata de Chile. Región exterior."

53 Ministerio del Interior, *Ley 18603. Ley Orgánica Constitucional de los partidos políticos*, Art. 33.

54 Ibid. Art. 33.

55 Ministerio del Interior, *Ley 18700. Ley Orgánica Constitucional sobre votaciones populares y escrutinios*, Art. 30.

56 Ministerio del Interior, *Ley 18603. Ley Orgánica Constitucional de los partidos políticos*, Art. 18.

57 Partido Socialista de Chile, "Estatuto del Partido Socialista de Chile. Texto Refundido."; Partido Radical Social Demócrata, "Estatutos del Partido Radical Social Demócrata" Art.2; Art.10; Partido Demócrata Cristiano, "Estatutos. Texto Refundido, Coordinado y Sistematizado del Estatuto Del PDC," Art.8; Art.12; Art.103; Partido por la Democracia, "Estatutos del Partido por la Democracia," Art.3; Art.4;

INSTITUTIONAL PARTICIPATION

CONSULTATIVE BODIES AT THE NATIONAL LEVEL

There is no consultative body for emigrant representation acting at the national level. Chile has, however, consultative councils (*consejos consultivos*) that are decentralized civil society associations whose aim is to serve as a bridge between the state and emigrants.⁵⁸ The Directorate of the Chilean Community Abroad (*Dirección para la Comunidad de Chilenos en el Exterior, Dicoex*), the main body for emigrant policy administration in Chile, has supported civil society organization and leadership trainings (in the form of workshops) to strengthen the social competences and networking capabilities of representatives of Chilean emigrants in those councils, which are considered key to having competent interlocutors.⁵⁹

ADMINISTRATION

As stated above, *Dicoex* is the main body in charge of designing policies to extend and promote links with the Chilean emigrant community and to channel their interests and contributions to the country.⁶⁰ An area in which the Chilean administration of emigrant policies has made great advances, and which has few precedents in the region, is the conducting of a census of emigrants. The first one was undertaken in 2004, as an initiative of the *Dicoex* that brought together consulates, the *Instituto Nacional de Estadísticas*, and the International Organization for Migration. The effort was called *Primer Registro de Chilenos en el Exterior*, covered more than a hundred countries, and included questions about the reasons for emigration, the living situation of the emigrants, the relation to Chile, and the interest in electoral participation. The main goal of this effort was to gather information about how many Chileans lived where and about their living conditions, in order to develop appropriate public policies. Also, the consular information targeting Chilean emigrants has improved considerably. Not only via the program *Gobierno en Terreno*, but also by the publication of informative material on consular websites.⁶¹

Unión Demócrata Independiente, “Afiliación a la Unión Demócrata Independiente”; Renovación Nacional, “Estatuto de Renovación Nacional,” Art. 1; Art. 5.

58 Ministerio Secretaría General de Gobierno, *Ley 20500. Ley Sobre asociaciones y participación ciudadana en la gestión pública*, Art. 74.

59 “Memoria 2006-2010. Dirección para la Comunidad de Chilenos en el Exterior – DICOEX” (Santiago de Chile: Ministerio de Relaciones Exteriores), 25.

60 *Ibid.* 18-20.

61 Corporación de Asistencia Judicial de la Región Metropolitana and Dirección para

CONSULATES

As of 2014, the Chilean consular network consisted of 108 consulates (41 consulates general, 9 special consulates, 58 consular sections), 57 authorized honorary consulates, and 145 unauthorized honorary consulates.⁶²

Since 2010, all Chilean consulates have offered the possibility of applying for consular services via Internet. Chileans only have to present themselves at the consulates to retrieve the documents they applied for.⁶³

A program has been put in place to offer public services, including financial consultancy, to Chilean emigrants. Until 2010, the program was called *Gobierno en terreno – INFOBUS* and was only offered in Argentina, having grown out of an initiative that initially worked for residents in Chile. *Dicoex* adapted it to function abroad with the help of the consular network, mostly to reach remote areas of Argentina (for instance, Patagonia) where there are many Chileans and who may need to know about the services and programs offered by their government; starting with those designed for Chileans abroad by the Inter-ministerial Committee (see below under Home Country Administration).⁶⁴ Since 2010, with the change of government, it has been called *Chile sigue contigo* and has been expanded to cover different countries.⁶⁵ In 2012, the service was expanded to include Skype consultations.⁶⁶

One of the principal consular functions is legal representation, i.e., to represent Chileans abroad or secure representation in court or other authorities from the receiving country.⁶⁷ Chileans living abroad have access to professional and free consultancy via telephone/internet.⁶⁸ However, Chilean consulates also participate in offering financial consultancy, via the *Gobierno en terreno* program described abroad in collaboration with the *Banco*

la Comunidad de Chilenos en el Exterior, “Justicia te ayuda. chilenos en el exterior. Acceso a la justicia desde cualquier lugar del mundo.” See also: *Manual de regreso*.

62 Ministerio de Relaciones Exteriores, Dirección de Atención Ciudadana, “Respuesta a la solicitud de acceso N°AC001W-0000562.”

63 Dirección para la Comunidad de Chilenos en el Exterior, “Memoria 2006-2010,” 16; DICOEX and OIM, “Manual del regreso para chilenos en el exterior,” 18.

64 Dirección para la Comunidad de Chilenos en el Exterior, “Servicios en terreno”; Dirección para la Comunidad de Chilenos en el Exterior, “Memoria 2006-2010,” 23.

65 Dirección para la Comunidad de Chilenos en el Exterior, “Servicios en terreno”; Ministerio de Relaciones Exteriores, Dirección de Atención Ciudadana y Transparencia, “Respuesta a la solicitud de acceso N°AC001W-0000563.”

66 Schmidt Ariztía, Fernando and Subsecretaria de Relaciones Exteriores, “Chile Sigue contigo”; Dirección para la Comunidad de Chilenos en el Exterior, “Servicios en terreno.”

67 DICOEX and OIM, “Manual del regreso para chilenos en el exterior,” 20.

68 Corporación de Asistencia Judicial de la Región Metropolitana and Dirección para la Comunidad de Chilenos en el Exterior, “Justicia te ayuda. Chilenos en el exterior. Acceso a la Justicia desde cualquier lugar del Mundo,” 3.

Estado. Psychological consultancy is offered on a case-by-case basis and some programs have been developed through the *Servicio social consular* for returnees that might be traumatized after having experienced abusive situations abroad.⁶⁹ This is mostly tailored to offer assistance to victims of domestic violence or human trafficking or the repatriation of a family member who is in a vulnerable situation.⁷⁰ The service, in collaboration with the corresponding consulates, also offers help to relatives of citizens detained abroad by offering the possibility to send money, documents, and correspondence to the detainee and to know about his/her medical and legal situation.⁷¹

HOME COUNTRY ADMINISTRATION

Since its creation in June 2000, *Dicoex* has had the mandate to develop and maintain the relationship between Chile and the Chilean diaspora, but occupied different positions within the Ministry of Foreign Affairs' organization structure. Initially, it was dependent on and immediately subordinate to the Sub-secretary of Foreign Affairs.⁷² It was later subordinated to the Directorate General of Immigration and Consular Affairs of the same Ministry of Foreign Affairs. It is subdivided in the following departments: *Departamento de Vinculación y Desarrollo*; *Departamento de Comunicaciones y Fomento de la Identidad*; *Unidad de Leyes de Reparación*; *Unidad de Gestión*. In cooperation with Chilean consulates and other state institutions, *Dicoex* aims to offer improved public services to the Chilean diaspora. By contacting Chilean emigrant associations and conducting censuses, *Dicoex* aspires to stay informed of the needs and desires of the Chilean diaspora in order to develop new policies. All services and new policies offered to Chilean emigrants since 2000 have evolved in cooperation with *Dicoex*.⁷³

Chile has yet another body for its home administration of emigrant policies: The Inter-ministerial Committee for the Chilean Community Abroad (*Comité Interministerial para la Comunidad Chilena en el Exterior*). It has been in operation since 2010, and meets at least twice a year. However, it has a coordinating role, rather than a policy-design mission. It is managed by *Dicoex* and connects the Ministries most involved with emigrant policies. The principal aim is to establish public policies for Chilean emigrants that help to reinforce their social, political, cultural and economic rights.

69 Consultation with Juan Pino, head of the Directorate for the Communities of Chileans Abroad, Santiago de Chile, May 20, 2016.

70 DICOEX and OIM, "Manual del regreso para chilenos en el exterior," 26.

71 Ministerio de Relaciones Exteriores, "Connacionales detenidos en el exterior."

72 Fiedler and Mímica, "Informe final de evaluación. Programa comunidad de chilenos en el exterior," 15.

73 Dirección para la Comunidad de Chilenos en el Exterior, "Memoria 2006-2010."

ECONOMIC POLICIES

REMITTANCES

The central bank of Chile states that remittances are of minor importance for the Chilean economy, as the financial flows are low (especially comparing to other Chilean economic indices).⁷⁴ As a consequence, neither the Chilean banks nor the Chilean government have entered into the remittances market or created incentives to attract remittances.

Chile's state bank, the *Banco Estado*, offers on its homepage (which has a section exclusively for emigrants) the possibility of maintaining a bank account or buying property from abroad.⁷⁵

INVESTMENT

Chile has not implemented any policy to stimulate emigrant investment. While not an incentive for investment, the *Banco Estado* does offer loans to Chilean emigrants who want to buy a personal residence in Chile.⁷⁶

BRAIN-CIRCULATION NETWORKS AND BRAIN-GAIN PROGRAMS

Chile has a number of programs that aim to reinforce the professional and academic exchange within Chileans living abroad and between Chilean residents and non-residents; importantly, these programs rely for their functioning on a network structure initially proposed by a private foundation (*Imagen Chile*). This means that, despite providing much of the network's funding, the Chilean state has little power to define their direction and activities. It is the members of the network themselves who set the activities, goals and membership criteria. Since 2002, *Dicoex* has limited itself to organizing the *Encuentros en Chile con connacionales destacados residentes en el exterior* conventions to honor the contributions made by distinguished Chilean emigrants.⁷⁷

ChileGlobal is an international network of businessmen, professionals and postdoctoral students from Chile (or friends of Chile) who live abroad and are interested in getting connected in order to contribute to and benefit from the development of Chile. Its objective is to become to an instrument that promotes the exchange of knowledge and contributes to the construction of the image of Chile.⁷⁸ Since 2006, *ChileGlobal* (with the support of scientific

74 Banco Central de Chile, "Estudios económicos estadísticos. Remesas personales desde y hacia Chile," 11.

75 BancoEstado, "Bancoestado chilenos en el exterior."

76 Dirección para la Comunidad de Chilenos en el Exterior, "Compra de vivienda en Chile."

77 Dirección para la Comunidad de Chilenos en el Exterior, "Memoria 2006-2010," 32f.

78 Dirección de Energía, Ciencia y Tecnología e Innovación, "Redes de investigadores

institutions and companies) organizes an annual conference aiming to reinforce ties between researchers affiliated with Chile from all over the world.⁷⁹

Several scientific networks have been formed to create dialogue and share knowledge between Chilean postgraduate students living in different countries. These networks all receive public support (financial, networking, technological, etc.) from the Ministry of Foreign Affairs, *ChileGlobal* and Chilean embassies and consulates. In addition to their annual meetings, they hold seminars and have publications.⁸⁰

The Directorate of Energy, Science, and Technology (*Dirección de energía, ciencia y tecnología e innovación, DECYTI*) aims to develop and oversee the international aspects of the politics of energy, innovation, investigation and scientific and technological development. *DECYTI* assists the scientific networks of Chileans in Canada, France, Germany, Spain, the USA, and elsewhere.⁸¹

RETURN POLICIES

Chile has many regulations concerning the recognition of professional and academic qualifications obtained abroad. If the professional/academic title was obtained in a country with which Chile has signed a treaty, it must be legalized by the authorities where the qualification was acquired and revalidated by the Chilean consulate in that country.⁸² Once in Chile, the documents must be submitted to the Ministry of Foreign Affairs.⁸³ The process then takes approximately 10 working days.⁸⁴

A special agreement exists between the Chilean and Argentinean Ministries of Education to expedite the recognition process.⁸⁵ If the Argentinean title is not recognized by the Argentine higher education authority, the qualification is treated as though obtained in any other country.

Titles acquired in other countries must be legalized and revalidated by the Chilean consulate in that country. Then, after having been legalized at the Legalization Department of the Chilean Ministry of Foreign Affairs, the titles have to be presented to the University of Chile, who decides which steps have

y científicos chilenos en el exterior,” 11; ChileGlobal. Red de Talentos, “ChileGlobal.” 79 ChileGlobal, “Encuentros ChileGlobal Santiago 2014.”

80 Dirección de Energía, Ciencia y Tecnología e Innovación, “Redes de investigadores y científicos chilenos en el exterior,” 2; 8f.

81 Ibid. 11.

82 Universidad de Chile, “Reconocimiento de Títulos en virtud de convenios internacionales.”

83 Universidad de Chile, “Revalidación de títulos extranjeros. reconocimiento en el Ministerio de Relaciones Exteriores.”

84 Ibid.

85 Ministerio de Educación, “Acuerdo de reconocimiento de títulos con Argentina.”

to be taken in order to recognize the title.⁸⁶ The required processing time depends largely on the faculty to which the documents are sent.⁸⁷

Titles of Chilean emigrants who abandoned Chile during the dictatorship can be recognized in Chile, as long as they are recognized by the corresponding states. A special commission, composed of the Ministry of Education, the director of the University of Chile and other institutions, will review the documents and recognize the title, so that the person is able to work in Chile under the conditions granted by the title.⁸⁸ The Special Commission must take a decision within three months.⁸⁹

Regarding return in general, the Chilean state does not conduct any communication campaigns in order to convince emigrants to return to Chile. The Manual for Return (*Manual del Regreso*) is a government document directed at facilitating the transition back to Chile for emigrants who have already decided to return.⁹⁰

Chilean emigrants who return definitively to Chile, may benefit from an exemption from import duties on certain goods.⁹¹ Besides, *Beneficio Social a Chilenos en el Exterior* includes support of elderly and ill persons, children, or Chileans who return to Chile in precarious conditions.⁹²

OBLIGATIONS

MILITARY SERVICE, SOCIAL SERVICE, TAXES

Inscription in the military registry is automatic, as the civil registry reports every year all the persons that have reached legal age to the General Directorate of National Mobilization.⁹³ This applies to Chileans living abroad as well. In order to remain exempt from the military service, male Chileans

86 Universidad de Chile, “Revalidación de títulos extranjeros. Revalidación en la Universidad de Chile.”

87 Universidad de Chile, “Proceso de revalidación y reconocimiento. documentos necesarios para la revalidación y reconocimiento de títulos profesionales y grados académicos obtenidos en el extranjero.”

88 Ministerio de Educación Pública, *Ley 19074. Autoriza ejercicio profesional a personas que señala que obtuvieron títulos o grados en el extranjero.*

89 Ibid. Art. 6.

90 DICOEX and OIM, “Manual del regreso para chilenos en el exterior.” 2013.

91 Aduana Chile, “Tratamientos arancelarios especiales. Notas Legales Especiales” Partida 0009; Partida 0033; DICOEX and OIM, “Manual del regreso para chilenos en el exterior,” 22.

92 Dirección para la Comunidad de Chilenos en el Exterior, “Beneficio social a chilenos en el exterior.”

93 Ministerio de Defensa Nacional, *Decreto Ley 2306. Dicta normas sobre reclutamiento y movilización de las Fuerzas Armadas.*

must declare their residence abroad at the nearest consulate.⁹⁴ If they return to Chile (between the ages of 18 and 45), they have to present themselves at the recruitment office nearest their residence and will be registered in the reserves for two years.⁹⁵

If they fail to declare their residence abroad, are selected for service and fail to serve they incur a penalty.⁹⁶

Victims of Human Rights violations committed during the dictatorship and their relatives (until second degree) remain exempt from Military Service.⁹⁷

There is no obligation for social service, as it doesn't exist in Chile.

As long as Chilean non-residents do not obtain revenue from Chilean sources, they don't have to pay taxes in Chile.⁹⁸ Moreover, Chile has signed conventions with numerous countries in order to avoid double taxation.⁹⁹

CULTURAL POLICIES

Chile does not manage or fund cultural centers abroad. However, cultural centers abroad may receive once-only payments via the *Fondo Concursables de Apoyo Complementario a Proyectos de Asociaciones de Chilenos en el Exterior*.¹⁰⁰ Chile also does not have cultural promotion offices within consulates. Programs of the Directorate of Cultural Affairs (*Dirección de Asuntos Culturales, Dirac*), part of the Ministry of Foreign Affairs, which are carried out in cooperation with the Chilean embassies and consulates, do not specifically target the Chilean emigrant population, but rather the whole international society.¹⁰¹ However, since 2004, *Dicoex* offers competitively-awarded funding for projects undertaken by Chilean associations abroad to strengthen the identity and feeling of belonging of the Chilean diaspora by funding projects in the fields including culture, sports, science, technology and innovation.¹⁰² Moreover,

94 Ibid. Art. 24.

95 Embajada de Chile en Alemania, "Obligaciones militares."

96 Ministerio de Defensa Nacional, *Decreto Ley 2306. Dicta normas sobre reclutamiento y movilización de las Fuerzas Armadas*, Art. 73.

97 Ministerio del Interior, Subsecretaría del Interior, *Ley 19992. Establece pensión de reparación y otorga otros beneficios a favor de las personas que indica*, Art. 17.

98 Ministerio de Hacienda, *Decreto Ley 824. Aprueba texto que indica de la Ley sobre Impuesto a la Renta*, Art. 10.

99 Servicio de Impuestos Internos, "Convenios tributarios internacionales."

100 Dirección para la Comunidad de Chilenos en el Exterior, "Fondo concursable."

101 Ministerio de Relaciones Exteriores de la República de Chile, "Dirección de Asuntos Culturales - Dirac."

102 Dirección para la Comunidad de Chilenos en el Exterior, "Fondo concursable"; Dirección para la Comunidad de Chilenos en el Exterior, "Memoria 2006-2010," 75.

there are government programs designed to promote Chilean culture around the world and connect with the Chilean diaspora. Since 2001, *Dicoex*, in collaboration with the National Tourism Service, has organized the *Revisitando Chile: Identidad e Historia* program, targeting Chilean senior citizens (older than 60) living in neighboring countries. The program aims to enforce a cultural policy that strengthens the national identity.¹⁰³

Since 2002, *Dicoex* publishes a magazine, *Revista Chile somos todos*, for Chileans living abroad. Its aim is to inform about the activities carried out by the Chilean communities abroad.¹⁰⁴ Every 6 months, the magazine is complemented by a supplement called *Run Rún*, a space created in order to publish stories, poetry, narration, and essays written by Chilean emigrants.¹⁰⁵ There are also annual literary and audiovisual competitions for Chileans abroad, aimed at strengthening their identity and feeling of belonging to Chile, and sharing their vision of Chile from a distance.

Since 2004, the National Library of Chile aims to recover the intellectual production during the years 1973-1990 of the Chilean exiles. The cultural artifacts are catalogued in the *Biblioteca del Reencuentro*.¹⁰⁶

EXIT AND TRANSIT POLICIES

The Chilean Constitution establishes the right for every person to enter and exit the country freely (as long as this does not imply any violation of other laws).¹⁰⁷

The Chilean state does not operate any information campaign aimed especially at citizens planning to emigrate in order to inform those citizens about their rights and duties once they live abroad. There are also no information campaigns aimed at discouraging emigration or promoting safe transit to other countries.

103 Grafelbergnoticias, “Chilenos adultos mayores que viven en el extranjero podrán vacacionar en Chile”; Dirección para la Comunidad de Chilenos en el Exterior, “Adulto Mayor.”

104 Dirección para la Comunidad de Chilenos en el Exterior, “Memoria 2006-2010,” 18, 39.

105 Ibid. 39.

106 Biblioteca Nacional de Chile, “El diálogo con nuestra historia: Biblioteca del Reencuentro.”

107 Presidente de la República de Chile and Ministerio Secretario General de la Presidencia, *Constitución Política de La República de Chile*, Art. 19, No.7, Paragraph a .

SOCIAL POLICIES

Providing they have contributed to the social contribution scheme, the *Instituto de Previsión Social* (IPS), or its predecessors, Chileans living abroad are able to maintain or apply for a wide array of benefits. These include coverage for disabilities, dependent family members, old age security, reimbursement of funeral costs, retirement, among others.¹⁰⁸

The Chilean state doesn't provide the possibility for Chileans living abroad to maintain Chilean healthcare benefits. Chile has, however, signed the Multilateral Ibero-American Social Security Convention (*Convenio Multilateral Iberoamericano de Seguridad Social*), which establishes benefit regimes among the signatory states.¹⁰⁹

SYMBOLIC POLICIES

The website, *Chile Somos Todos*, was launched in 2006 with the aim of bringing closer the thousands of Chileans living abroad and providing a space for dialogue, knowledge, and information about activities. Since 2010, *Dicoex* has also maintained a Facebook account, where information of interest for the Chilean communities is published.¹¹⁰

The *Chile Somos Todos* international committee, with the support of the Ministry of Foreign Relations, the Presidency of the Senate, and the Department of Social Organizations of the Ministry of the General Secretary, organizes the *Encuentro de chilenos y chilenas residentes en el exterior* conference.¹¹¹

Emigrants are not specifically targeted on the national day (September 18), however, during her first mandate and again in 2014, Chilean President Michelle Bachelet as well as her predecessor Sebastián Piñera sent some official greetings to Chilean communities living abroad.¹¹²

Chile has not created new symbolic territorial entities. Some political parties (mostly the Socialist Party) have referred to the Chilean diaspora as an

108 Ministerio de Relaciones Exteriores, "Chilenos en el exterior. Previsión social."

109 Organización Iberoamericana de Seguridad Social, "Convenio Multilateral Iberoamericano de Seguridad Social."

110 Dirección para la Comunidad de Chilenos en el Exterior, "Chile somos todos. DICOEX. Dirección para Chilenos en el Exterior."

111 Comité Internacional Chile somos todos, "Encuentro de chilenos y chilenas residentes en el exterior".

112 Presidenta de la República, *Saludo Presidencial en fiestas patrias 2014*; Presidente de la República, *Saludo del Presidente Piñera y la Primera Dama en Fiestas Patrias 2013*.

external region¹¹³ or the XVI Region,¹¹⁴ However this has never been used as an official expression by state institutions.

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113 Partido Radical Social Demócrata, “Partido Radical Socialdemócrata de Chile. Región Exterior.”

114 Partido Socialista de Chile, “Estatuto del Partido Socialista de Chile. Texto Refundido,” Art. 16.

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