



ARGOS

INTERNATIONAL OBSERVATORY
ON MIGRATION AND HUMAN RIGHTS

ARGOS MANIFESTS ITS GREAT CONCERN REGARDING THE NEW CHILEAN MIGRATORY POLICY

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ARGOS: International Observatory on Migration and Human Rights, expresses its great concern over the enactment in Chile of the new Migration Law, which constitutes a serious threat of violation of the human rights of migrants and is detrimental to the regional integration of the countries of southern Latin America.

According to Chilean President Sebastián Piñera, with the new Law, foreigners who wish to arrive in Chile will do so “telling the truth about their intentions and avoiding deception and abuse... If these requests are authorized, they will be able to arrive in Chile”, while also affirming that the new policy “will combat illegal migration”, facilitating administrative expulsions of migrants who enter through unauthorized crossings”.¹

Legislative actions and governmental speeches imply a dangerous criminalization of this group, which means a massive violation of their civil rights, in a context in which serious acts of discrimination and xenophobia have already occurred.

In recent years, the Consul of the Dominican Republic in Arica (Nina Consuegra) denounced that the border police denied entry to any black or Venezuelan person if they did not show prepaid hotel vouchers and return tickets; and already in February of this year the Chilean Government carried out the massive expulsion of hundreds of migrants of Colombian and Venezuelan nationality in an irregular migratory situation, violating the human rights of this migrant population.

¹ Available in <https://www.nodal.am/2021/04/pinera-promulgo-ley-que-facilita-la-expulsion-de-migrantes/>.

This situation has worsened as these new facts imply a radicalization of discriminatory and xenophobic actions, and represent a violation of nationally and internationally recognized human rights: Chile has signed and ratified both the International Covenant on Civil and Political Rights and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the American Convention on Human Rights. All of these instruments recognize the right to non-discrimination of persons on the basis of their nationality or social status (including migration), and expressly prohibit the mass expulsion of foreigners. Likewise, they are in contradiction with the provisions of the Chilean Constitution (Article 19), which guarantees all persons the equal protection of the law in the exercise of their rights, stating that neither the law nor any authority may establish arbitrary differences.

In light of this situation:

1. We reject both the enactment of this new Migration Law and the official statements that accompany it.
2. We urge the Chilean State to respect and guarantee the human rights of all persons in conditions of human mobility, regardless of their migratory condition or situation.
3. We request the organs and institutions of the Chilean State to carry out the necessary measures to put an end to these violations.
4. We demand the cease of all actions by officials of the Chilean State that entail practices of discrimination and xenophobia, and in particular, those involving mass expulsions of foreign migrants.
5. We call upon the Chilean State to take emergency measures in the face of the Covid-19 pandemic to regularize migrant populations and allow them access to basic health services and sanitary protection.