



ARGOS

INTERNATIONAL OBSERVATORY
ON MIGRATION AND HUMAN RIGHTS

ARGOS EXPRESSES CONCERN OVER RECENT SUMMARY EXPULSIONS OF MIGRANTS IN CHILE

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ARGOS. International Observatory on Migration and Human Rights, expresses its deep concern about the application in Chile of the new *Migration Law*, which has resulted in the violation of the human rights of migrants and migrant groups.

On August 4, the Chilean government expelled 77 immigrants of Peruvian and Bolivian origin on a charter flight, the fifth it has chartered this year, as part of a strategy of the Chilean government to discourage irregular migration. During 2021 and in the midst of the pandemic, 547 people have been deported in five flights under the new migration law. Most of the people returned this year are Venezuelans (185), followed by Colombians (105) and Bolivians (99) and to a lesser extent Dominicans, Peruvians and other nationalities.

According to complaints made by victims, family members and human rights organizations, these “summary expulsions” have not respected due process –as they are carried out on weekends, randomly and surprisingly, preventing the affected persons from accessing telephone calls or lawyers, at a time when the courts are not in session to avoid the filing of appeals– and even generating separation within the families. Likewise, in recent months, the Chilean Supreme Court annulled several deportation orders on the grounds that they were the product of an “insufficient administrative contentious procedure”, but in almost all cases this annulment was subsequent to the deportation.

Faced with this situation, the Chilean government has violated the calls of the United Nations to stop these expulsions, as well as the international treaties ratified by the Chilean State, such as 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 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 current Chilean Constitution (Article 19), which guarantees *all persons equal protection of the law* in the exercise of their rights, stating that neither the law nor any authority may establish *arbitrary differences*.

Faced with this situation:

- We reject the arbitrary application of this new Migration Law, and request its immediate suspension.
- We reject “summary expulsions” and request due process guarantees for all migrants, both in administrative and judicial instances.
- We demand that the Chilean State respect and guarantee the human rights of all persons in conditions of human mobility, regardless of their migratory status or situation.
- We request that the organs and institutions of the Chilean State put an end to these serious and repeated violations.
- We demand the termination of all actions by Chilean State officials that involve discriminatory and xenophobic practices and, in particular, those involving mass expulsions of foreign migrants.