

**COUNTRY
CHAPTER**

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BY THE GOVERNMENT OF CHILE



1. Resettlement Policy

THE GOVERNMENT OF THE REPUBLIC OF CHILE, within the framework of adherence to the respect for human rights and fundamental freedoms, as well as respect for international agreements concerning the protection and assistance to refugees, and, in order to strengthen international solidarity in the search for durable solutions, has agreed with UNHCR to establish a refugee resettlement programme in Chile. The resettlement programme's primary objective is to allow refugees to integrate into the Chilean society and enable them to attain self-sufficiency as soon as possible. Resettled refugees are expected to contribute in a positive way within the local society.

The Government of Chile is responsible for the reception and facilitating the integration of resettled refugees in co-operation with UNHCR and non-governmental organisations. Refugee resettlement is under the auspices of the Ministry of Foreign Affairs and the Ministry of the Interior, the latter providing the overall co-ordination and oversight of the national resettlement programme. Direct services are provided by an NGO through a sub-agreement with UNHCR.

2. Criteria for Refugee Status Eligibility and Asylum

To qualify for resettlement in Chile the refugees must meet the criteria contained in the 1951 Convention/1967 Protocol relating to the Status of Refugees. Moreover they must be unable to return to their country of origin or to remain safely in their country of asylum.

3. Resettlement Criteria

Refugees eligible for resettlement in Chile are refugees recognised under UNHCR's mandate who fall into one of the following categories:

Legal or physical protection needs, when the refugee meets one of these conditions:

- immediate or long-term threat of forced repatriation or expulsion
- threat of arbitrary arrest, detention or imprisonment
- threat to human rights or physical integrity/safety, analogous to that considered under the refugee definition and rendering asylum untenable

Refugees victims of violence and /or torture

Refugee victims of violence and /or torture who require special medical attention will be considered, subject to the availability of appropriate medical services.

Women at Risk

Women facing serious physical and /or psychological threats (rape, sexual harassment, violence, exploitation, torture, etc) lacking the traditional protection of their families or communities.

Refugees without local integration prospects in the first country of asylum

Under specific circumstances, refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational background. When refugees remain a certain period in a country of asylum without being able to integrate and there is no prospect for repatriation in near future, they can be considered for resettlement. In these cases, attention needs to be given to lack of legal instruments to ensure these basic rights. Field offices must ensure that detailed information is provided in the RRF regarding the refugees' own attempts to successfully integrate into the country of asylum and the barriers encountered.

Refugees with special needs

Refugees with other special needs, such as unaccompanied minors, elderly persons or medical cases will be considered with priority given to refugees who have ties in Chile.

4. Resettlement Allocations

The Ministry of the Interior and the Ministry of Foreign Relations establish an annual resettlement target in consultation with UNHCR. There are no sub-allocations by region at this time.

5. Admissibility for Resettlement

No special constraints on admissibility are given

6. Submissions and Processing via Dossier Selection

The Government of Chile undertakes resettlement processing of refugee cases via Dossiers selection, when the number of the cases submitted out of the same country of asylum is less than ten dossiers. The Resettlement Registration Forms are submitted to the government of Chile by UNHCR Argentina, through UNHCR Headquarters.

The dossiers are referred to the Foreigners' Department (within the Ministry of the Interior) who reviews the cases in close consultation with the UNHCR Regional Office and the Resettlement NGO, and a formal decision by the Ministry of the Interior is normally made within 8 weeks. Should the Ministry decide that additional information on the individual cases is required, they will notify UNHCR. Field Offices in the Countries of Asylum will then provide the required information, through Headquarters, within the earliest delay.

When a resettlement request is rejected by the Chilean authorities, UNHCR may ask for a reconsideration of the case on the basis of any additional/complementary information provided by the refugee.

7. Submissions and Processing via In-Country Selection

The Government of Chile undertakes in-country selection of refugees for resettlement in Chile when the number of dossiers submitted out of one country of asylum exceeds ten cases.

Selection missions are composed of one delegate from the Foreigners' Department and one NGO representative. The selection of candidates is made through refugee status determination and resettlement eligibility interviews on the basis of the Resettlement Registration Forms submitted by UNHCR. The recommendations of the selection delegation are submitted to the Ministry of the Interior who informs UNHCR of its decisions within a maximum period of 8 weeks and issues necessary travel documents to accepted refugees. Selection missions are also aimed at providing initial counselling to refugees in order to ensure, to the extent possible, that refugees are making an informed decision regarding their resettlement in Chile.

8. Emergency Cases

No accelerated procedures for the processing of emergency cases are yet in place.

9. Special Categories

The Government of Chile considers the case of refugees with special needs submitted by UNHCR under established categories (Medical Needs, Victims of Torture, Women-at-Risk, Unaccompanied minors, Elderly refugees). However, if these refugees require a specific treatment in Chile, the Chilean government will consider the availability of services in Chile before making a decision.

10. Family Reunification of Refugees

The Government of Chile acknowledges that family unity is an important factor that facilitates the integration of refugees in their country of resettlement. The principle of family unity is provided in the Universal Declaration of Human Rights. Based on this ground, the Chilean Government agrees to facilitate in its territory the reunification of members of the same refugee family with priority to the members of the nuclear family. The criteria and the procedures are those contained in the Resettlement Handbook, in compliance with the practice established in the country.

The family reunification of a refugee with his nuclear family takes place within the overall resettlement quota. This provision includes:

- Spouses, including common-law spouses with proof of relationship (e.g. birth certificates of joint offspring);
- Children, biological or adopted, under 21-years-old or economically dependant regardless of their age; and
- Elderly parents who are economically dependent.

The family reunification of other members of the refugee' family (siblings, grandparents, grandchildren, great grandchildren or nephews, or not self-sufficient adults) is dealt with under the general provisions of the immigration law.

11. Medical Requirements

Shortly after arrival in Chile, all refugees will receive a medical check-up. The cost for the medical check-up, as well as for any treatment of pre-existent diseases, will be covered by UNHCR and co-ordinated by the resettlement NGO.

12. Travel

Travel will be arranged by IOM in close co-operation with UNHCR. Costs of travel will be under the responsibility of UNHCR or of any sponsor.

13. Status on Arrival

All individual refugees, including family members, accepted for resettlement in Chile are granted refugee status according to the 1951 Convention and subsequently issued temporary legal residence. With this document, the refugees can obtain national identity cards, which allow them to work legally and earn an income in Chile. It takes approximately 2 weeks in order to process these documents, but even during this period refugees are not prohibited from working as temporary work authorisations are available until they receive the Identity Cards. Refugees must renew their temporary residence after two years or apply for permanent residence. Refugees who become permanent residents are eligible to apply for citizenship after 5 years of residence in Chile.

14. Domestic Settlement and Community Services

14.1 Actors

UNHCR has a tripartite agreement with the Chilean Government and a non-governmental organisation in Chile for the resettlement and integration of refugees. The following governmental ministries are involved in the resettlement of refugees in Chile: the Ministry of Health, the Ministry of Education, the Ministry of Housing, the Ministry of Labour, the Ministry of Foreign Affairs and the Ministry of the Interior.

The Vicaria de Pastoral Social, a local NGO of the Archdiocese in Santiago, is the primary provider of reception and integration services to refugees in the area of Santiago.

An interministerial commission has been established with representation of all the ministries mentioned above and the Vicaría de Pastoral Social in order to facilitate access of refugees to public programmes and services, convened by the Ministry of the Interior.

Non-governmental organisations, churches, communities and individuals are authorised to sponsor refugees for resettlement in Chile, in agreement with the Ministry of the Interior. The sponsor shall take up the responsibility of travel arrangements, installation and integration of resettled refugees and of the dependants. If recommended by the Selection Committee, UNHCR may provide some support to the sponsor with travel or installation costs.

14.2 Orientation

The Government of Chile provides initial group orientation sessions to refugees in the country of asylum, in case of an In-Country selection mission. Further orientation sessions are provided by the Vicaria de Pastoral Social, in groups and individually, upon arrival in Chile. Orientation issues include life in Chile, practical information on daily living, Chilean culture and values, access to health and education programmes, work culture and other information that helps the refugee in his or her integration. The NGO provides translator services when required to ease communication with refugees.

14.3 Reception

Upon arrival, refugees are received at the airport by the Vicaria de Social Pastoral, who arrange for temporary housing and provide welcome orientation. Refugees are temporarily accommodated in a reception-house with private bedrooms, semi-private bathrooms and communal kitchen. During this period, housing expenses are paid directly by Vicaria Social de Pastoral and a monthly subsistence allowance is provided to cover food, transportation, basic hygiene and other incidentals. This phase lasts approximately 12 weeks in order to allow the refugee time to find suitable employment.

14.4 Housing

During the initial period, refugees are assisted by Vicaria Social de Pastoral to find permanent housing through agreements with the Ministry of Housing. Upon relocation to independent housing, refugees are offered a one-time grant to purchase basic furniture and supplies to set up their household. Refugees are eligible for monthly financial assistance to cover rent, food, transportation and basic hygiene for up to six months.

14.5 Health

Refugees receive a medical check-up during their initial stay at their temporary domicile. Dental care will also be available to refugees. Vicaria Social De Pastoral in co-operation with the Ministry of Health arranges any special medical treatment required by refugees during the first year. In the longer period, refugees are entitled to public health services with the same benefits as national citizens. Chile also has extensive private health care services available through private health insurance offered by many employers.

14.6 Language Training

Intensive Spanish language courses are provided for adult refugees during the reception phase through arrangements made by the Vicaria Social de Pastoral. Additional language training is available through arrangements with other educational institutions.

14.7 Education

The government of Chile provides resettled refugees with the same benefits as national citizens concerning primary, secondary and tertiary education. Furthermore, the Ministry of Education facilitates administrative assistance as necessary for equivalence and validation purposes in accordance with national legislation.

University education is private in Chile. Enrolment in university courses is limited due to costs and entry requirements. Technical degrees, which require an average of 5 semesters, do not have the same rigid requirements for enrolment, but are also private.

Validation of post-secondary degrees and professional titles can be a long process, which also depends upon ability of the refugee to provide the necessary documentation, such as notarised diploma, transcripts, course descriptions, etc. The University of Chile is the institution responsible for reviewing the documents and accreditation of degrees and titles.

14.8 Vocational Training

The Training and Employment Service under the Ministry of Labour (SENCE) provide vocational training. This agency is responsible for technical training programmes throughout the country and the re-training of the labour force for new jobs. The programmes are varied and also include courses for particular groups such as youth, women, etc. In addition, there are courses available through private institutions recognised by the State as qualified training programmes. Training courses in general are short in duration and do not require previous experience, which allows individuals to be trained in new areas of the labour market.

14.9 Employment

The refugees receive counselling and basic orientation on employment, including work customs and practices as well as basic work environment. Through agreements with public and non-profit entities, the Vicaria Social de Pastoral is developing a network of services and opportunities for the integration of refugees. Arrangements are in place with the Ministry of Labour to provide for vocational training and job placement services for refugees.

Micro-Enterprises – An important alternative form of income generation is the creation of new micro-enterprises which often allow the refugees to take advantage of the skills, education and previous work experience that they bring with them to Chile. Micro-enterprise grants are available through the resettlement NGO, who also provides technical assistance, project evaluation and mentoring. Refugees must submit a project proposal to the Resettlement NGO and grants will be awarded based on the viability of the project and the experience/ skills of the refugee.





While the initial reception period takes place in Santiago, the nation's capital, depending on the refugee's work experience and area of expertise, he or she may wish to consider employment offers in other cities or towns in Chile. In such cases, the Resettlement NGO is available to assist the refugee in relocation.

14.10 Other assistance

Where required, refugees are entitled to the following assistance, on a case-by-case basis:

- additional medical treatment, prescriptions and/or mental health services
- school uniforms and text-books
- cost of translations and renewal of immigration documents
- translation of diploma and certificates
- cost of interpreter services

15. Reference Material

-  Framework Agreement for the Resettlement of refugees in Chile, between the Government of the Republic of Chile and UNHCR
-  Law Decree No. 1094 of 1975 amended by Law No. 19476 of 14/10/96 (enacted on 21/10/96)
-  Supreme Decree No. 597 of 1984) include some provisions aimed at establishing basic rules for the treatment of refugees.
-  Supreme Decree No. 2518 of 23/10/97 enacted on 10/02/98, amended the previous decree and regulated the functioning and composition of the Recognition Commission.