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IRB – Immigration and Refugee Board of Canada (Author)

Chile and Venezuela: Access for Venezuelans to obtain legal residency status in Chile, including rights and obligations of residency (2021–January 2023) [ZZZ201371.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Statistics

According to the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), which is "jointly led" by UNHCR and the International Organization for Migration (IOM) and is "made up by over 200 organizations," including NGOs (R4V n.d.), there are approximately 7 million Venezuelan refugees and migrants in the world [1], of which approximately 6 million reside in Latin America and the Caribbean (R4V 2022-12-12a). According to Chile's National Institute of Statistics (Instituto Nacional de Estadísticas, INE) and the National Immigration Service (Servicio Nacional de Migraciones), Venezuelans represented 30 percent of the 1,482,390 foreigners residing in Chile as of 31 December 2021 (Chile 2022-10).

2. Access for Venezuelans to Obtain Legal Residency Status in Chile

2.1 Legislation

Law 21,325 on Immigration and Foreigners (*Ley de Migración y Extranjería*) provides the following:

[translation]

Article 2. Scope of application. The purpose of this law and its regulations is to regulate the entry, stay, residence and exit of foreigners from the country, and the exercise of rights and duties, without prejudice to those contained in other legal provisions.

...

These provisions shall also apply to refugees and applicants for recognition of such status, as well as to their families, in all matters set out in Law No. 20.430 and its regulations with regard to foreigners in Chile, without prejudice to the provisions contained in international treaties ratified by Chile and which are in force.

Title II

FUNDAMENTAL PRINCIPLES OF PROTECTION

Paragraph I

Objectives

Article 3. Promotion, respect and guarantee of rights. The State shall protect and respect the human rights of foreigners who are in Chile, regardless of their immigration status, including those governed by Law No. 20.430.

Any person who is legally in the national territory has the right to move freely within it, to choose his residence therein and to leave the country, without prejudice to the provisions of Article 126 bis paragraph 2 of the Political Constitution of the Republic.

It is the right of the State to decide who is to be admitted to its territory. All foreigners applying for entry or for a residence permit in the country shall be assured the application of a rational and fair procedure for the approval or rejection of their application, which shall be carried out under non-discriminatory admission criteria.

Once a foreigner is lawfully within the national territory, his freedom of movement in the territory and his right to leave the territory may only be limited in accordance with the provisions of the Political Constitution of the Republic and the laws and international treaties ratified by Chile and which are in force.

Likewise, the State shall promote, respect and guarantee the rights of foreigners in Chile, as well as the duties and obligations established in the Political Constitution of the Republic and the laws and international treaties ratified by Chile and in force.

The State undertakes to adopt all measures, to the maximum of its available resources and by all appropriate means, to achieve the full realization of the economic, social and cultural rights recognized in the Political Constitution of the Republic, the laws and international treaties ratified by Chile and in force, for which purpose it may resort, if this is not possible, to international assistance and cooperation.

The State shall ensure equality before the law and non-discrimination for foreigners. (Chile 2021)

For an overview of law 21,325 and its implementation, see Response to Information Request ZZZ201334 of February 2023.

2.1.1 Temporary Residence

Law 21,325 provides the following:

[translation]

Paragraph IV

Temporary residence

Article 68. Definition. Temporary residence is the residence permit granted by the Service [National Immigration Service] to foreigners who intend to settle in Chile for a limited period of time.

Article 69. Criteria for granting. The temporary residence permit may be granted to those who provide proof that they have family ties with Chileans or with permanent residents, to those whose stay is consistent with the objectives of the National Immigration Policy, and in other cases duly qualified by the Undersecretary of the Interior by resolution, after a report from the Service.

The Undersecretary of the Interior may establish mechanisms for the regularization of foreigners in accordance with Article 155, No. 8.

Persons applying for a temporary residence permit from abroad may do so remotely by telematic means or by other means determined by the Service.

For the purpose of developing the procedures indicated in the previous paragraph, the Service, through the Ministry of Foreign Affairs, may request the respective Chilean consulates to gather additional background information, which may include a personal interview with the interested party.

The consulates shall provide a report for final decision within fifteen calendar days of the Service's request. Such additional background information may also be gathered ex officio by the Chilean consulates. The permit may be delivered at any Chilean consular office, or obtained directly by the interested party by the means determined by the resolution referred to in the first paragraph.

Article 70. Subcategories. A supreme decree issued through the Ministry of the Interior and Public Security (Ministerio del Interior y Seguridad Pública), which must be signed by the ministers that make up the Council established in Article 159, and comply with the procedure of acknowledgment by the Office of the Comptroller General of the Republic, shall define the list of and set the criteria for subcategories of temporary residence. In no case may such supreme decree affect the rights already acquired by holders of temporary residence permits at the date of entry into force thereof. Any change in the conditions of a migratory subcategory that implies greater benefits for foreigners who were previously granted temporary residence will entitle those who meet the requirements established for such category to opt for such category.

In any case, such decree shall cover at least the following situations:

1. Foreigners who can prove that they have family ties with Chileans or permanent residents.
2. Foreigners who enter the country to develop legal remunerated activities, on their own account or under a relationship of subordination and dependence.
3. Foreigners who settle in the country for the purpose of studying in educational establishments recognized by the State.
4. Seasonal workers who enter the country for limited periods, on time or for multiple years in a row, in order to perform specific seasonal work.
5. Foreigners who apply to Chilean consulates abroad to seek employment opportunities, provided they are authorized in accordance with the objectives of the National Policy on Migration and Foreigners, which must meet the requirements of paragraph 7 of Article 1 of this law.
6. Persons who are subject to the custody of the Gendarmería de Chile, such as those who are effectively serving their custodial sentence by final and enforceable judgment, including those

who are on furlough as provided in the regulations of prisons; persons subject to preventive detention; those subject to probation and those who are serving their sentence in accordance with the provisions of Law No. 18,216, which establishes penalties as alternatives to custodial or restrictive sentences of imprisonment.

7. Those who are in Chile by order of Chilean courts of justice, as long as it is necessary for the judicial proceedings to which they are a party.
8. Foreigners whose residence in Chile is justified for humanitarian reasons.
9. Foreigners granted temporary residence under international agreements ratified by Chile and that are in force.
10. Religious of officially recognized religious organizations.
11. Patients under medical treatment, as long as they can prove that they will pay for the costs of their medical treatment.
12. Retirees and annuitants.
13. Foreigners who are granted temporary residence by virtue of the principle of reciprocity, or who, by virtue of other international treaties, duly ratified by Chile and in force, are entitled to such residence.

The supreme decree mentioned in the first paragraph shall define, for each migratory subcategory, the admissibility of the application for definitive residence, being always admissible in the situations described in numbers 1, 2, 3, 5, 8, 9, 10 and 12 of this article.

...

Article 72. Validity. The temporary residence permit shall be valid for up to two years, except for the subcategory of seasonal workers indicated in number 4 of the second paragraph of article 70, who may be granted permits valid for up to five years for limited annual periods of stay. This permit may be extended for up to two additional years. The specific validity for each subcategory, as well as that of its extensions, shall be fixed by supreme decree of the Ministry of the Interior and Public Security issued under the formula "by order of the President of the Republic". (Chile 2021)

2.1.2 Permanent Residence

For information on requirements and procedures for foreign nationals to obtain and maintain permanent residence in Chile, see Response to Information Request ZZZ201334 of February 2023.

2.1.3 Political Asylum

Law 21,325 provides the following:

[translation]

Title V

POLITICAL ASYLUM SEEKERS

Article 94. Residence with political asylum may be granted to foreigners who, to safeguard their personal safety and due to the political circumstances prevailing in the country of their residence, are

forced to resort to a Chilean diplomatic mission or enter the national territory requesting asylum, even in an irregular migratory condition. If diplomatic or territorial asylum is granted on a provisional basis, it shall be valid for ninety days, renewable. Then, the background and circumstances of the case shall be assessed by the Ministry of Foreign Affairs and by the Ministry of the Interior and Public Security, after a report from the Service, and an order shall be made to grant or refuse a temporary residence permit in the categories set out in Article 70. Such residence permit shall not deprive the person of his status as a political refugee, and shall be extended to the members of his family who have been granted, together with him, diplomatic or territorial asylum.

Article 95. The permit referred to in the preceding article may also be requested by any foreigner who is in the national territory and who, for duly qualified political reasons that have arisen in his country of origin or in the country of his habitual residence, is prevented from returning to it.

Article 96. Political refugee who do not have a valid passport or travel document shall have the right to obtain, with prior authorization from the Ministry of the Interior and Public Security, a travel document for foreigners, which will allow them to leave and re-enter the national territory, after verification of identity and background by the controlling authority.

Article 97. A political refugee may not be expelled to the country where his freedom is in danger because of his race, religion, nationality, membership in certain social groups or political opinions. (Chile 2021)

2.2 Visa of Democratic Responsibility (Visa de Responsabilidad Democrática, VRD)

Sources indicate that the VRD was repealed (SJM 2023-01-16; Diario Constitucional 2022-11-12) in February [2022] (Diario Constitucional 2022-11-12).

According to the Embassy of Venezuela in Chile, the VRD is a [translation] "humanitarian visa that seeks to support Venezuelans who need to emigrate and do not have the resources to complete migratory processes in other countries, and whose final destination is Chile" (Venezuela 2019-10-29). According to a statement released by the Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores) in Chile, the VRD

[translation]

It allows Venezuelan nationals to obtain a temporary residence visa, called a democratic responsibility visa, which is granted for one year (extendable for the same period).

As of October 1, 2021, residence visas and tourist visas will only be stamped for those who have a mobility pass issued by the Chilean Ministry of Health.

Important:

- Venezuelan citizens coming as tourists will not be able to apply for this visa, because it is oriented to those who wish to settle in Chile.
- Once the visa is approved and stamped in the respective passport, the interested parties have 90 days to enter Chile.
- It is recommended to have the visa approved and stamped in the respective passport before purchasing air or land tickets.

- It is a strictly personal procedure, both for adults and minors.
- During your stay, you are obliged to respect Chilean law and regulations.

Once in Chile, Venezuelan nationals entering with a democratic responsibility visa have 30 days to:

Go to the Investigative Police (Policía de Investigaciones, PDI) of Chile and register their visa.

Take the certificate issued by the PDI to the Civil Registry and Identification Service (Servicio de Registro Civil e Identificación, SRCel) to obtain the identity card for foreigners. (Chile 2021-10-20)

El Diario, a Venezuelan news source, reports in an interview with an immigration consultant based in Chile that [translation] "'the principle of family reunification is a priority of the VRD'" and that the VRD is "only" available to those with "a relative (only child, parent or spouse) who has legal immigration status in Chile" (2022-01-29).

Chile's Ministry of Foreign Affairs also indicates the following list of documents that are required for a Venezuelan citizen to obtain a VRD:

[translation]

- Passport in force or issued from 2013 to date (exempt resolution 2.087 of the Ministry of the Interior and Public Security of Chile) or document of similar nature qualified as such by the Ministry of Foreign Affairs of Chile, in accordance with Article 8 of Supreme Decree (DS) No. 597 of 1984 of the Ministry of the Interior.
- In the case of the spouse or civil partner, the applicant must present a criminal record certificate, duly apostilled, no more than 60 days old as of the date of presentation, issued by the competent authority of the Bolivarian Republic of Venezuela.
- Marriage or birth certificate, as applicable, duly apostilled, issued by the competent Venezuelan authority, no more than 60 days old since its issuance.
- Travel certificate, duly apostilled, no more than 30 days old counted from its issuance by the authority of the country in which the application is made, certifying that the time of stay of the interested party in that country does not exceed 90 days in total during the last year, until the date of the visa application, unless such requirement is made at the Chilean consulates in Venezuela.
- Medical certificate.
- In the case of children living with the applicant, a dependent application may be made, accompanied by a birth certificate duly apostilled or legalized.
- Letter of request for family reunification, authorized by an authenticating officer, granted to a national Venezuelan resident in Chile, with permanent residency, requesting reunification with his/her spouse or civil partner and minor children who are in his/her care.
- Copy authorized by an authenticating officer of the certificate of permanent residency and identity card for foreigners.
- Documents, records, resources or guarantees proving sufficient financial means of the applicant for family reunification to support the beneficiary of this visa.

- Affidavit, signed before a notary public, stating that the beneficiary will live with him/her (applicant) and at his/her expense. (Chile 2021-10-20)

3. Rights and Obligations of Permanent Residents

Law 21,325 provides the following:

Paragraph II

Rights and obligations of foreigners

Article 13. Equality of rights and obligations. The State shall guarantee, with respect to all foreigners, equality in the exercise of rights, without prejudice to the requirements and sanctions established by law for certain cases.

Likewise, the State shall promote due protection against discrimination and shall ensure compliance with the obligations enshrined in the Political Constitution of the Republic, in the Human Rights Treaties ratified by Chile that are in force and in the laws, regardless of ethnicity, nationality or language, in accordance with the provisions of Article 1, numeral 7.

All foreigners applying for entry or a residence permit in the country shall be assured the application of a rational and fair procedure for the approval or rejection of their application, which shall be carried out under non-discriminatory admission criteria.

Foreigners who are affected by an action or omission that amounts to arbitrary discrimination may file the corresponding actions, according to the nature of the right affected.

The State shall promote respect for and protection of foreign women, regardless of their migratory status, so that at all stages of their migratory process they are not discriminated against or violated because of their gender. Migrant women shall have access to all institutions and mechanisms that protect their welfare. Pregnant women, victims of human trafficking, or victims of gender or domestic violence, or victims of migrant smuggling, will have special treatment by the State. By virtue of the foregoing, the National Migration Service may issue a visa to regulate their stay, according to a well-founded background as required by the competent agencies.

Article 14. Labour rights. Foreigners shall enjoy the same labor rights as Chileans, without prejudice to the requirements and sanctions established by law for certain cases.

All employers must comply with their legal obligations in labour matters, notwithstanding the irregular migratory status of the foreigner hired. The above, notwithstanding the sanctions that, in any case, the Labour Inspectorate is authorized to impose.

Article 15. Right to access to health care. Resident foreigners or foreigners in irregular migratory condition, whether in their capacity as [status] holders or dependents, shall have access to health care in accordance with the requirements established by the health authority, under conditions equal to those for nationals.

All foreigners will be subject to health measures established under the Sanitary Code for the safeguarding of public health, the same as nationals.

Article 16. Access to social security and tax benefits. Foreigners may have access to social security benefits and tax benefits under the same conditions as nationals, provided that they comply with the requirements established by the laws regulating such matters, and with the provisions of the following paragraph.

With respect to those non-contributory social security benefits and benefits financed entirely with fiscal resources, involving direct monetary transfers, for which no access requirements involving a certain minimum stay in the country are established directly or indirectly, it will be understood that only those residents, whether [status] holders or dependents, who have been in Chile in such capacity for a minimum period of twenty-four months will be entitled to them.

Notwithstanding the provisions of the preceding paragraph, for well-founded humanitarian reasons or health emergencies decreed under Article 36 of the Sanitary Code, the twenty-four month period indicated in the preceding paragraph may be omitted.

The State shall promote the negotiation of bilateral or multilateral agreements with third countries that guarantee equal access to social security rights for migrant workers and their families returning to their countries of origin and Chileans returning to the country, through mechanisms such as the totalization of insurance periods, fund transfers, pension exports or others, so that such persons may enjoy the social security benefits generated by their work in the receiving State.

The restrictions established in this article do not apply to children and adolescents who are in the care of their father, mother, guardian or person in charge of the personal care of a minor under 18 years of age, who will have access to the same benefits, as soon as they enter the country, under the same conditions as nationals, regardless of the immigration status of the adults on whom they depend.

Article 17. Access to education. The State shall guarantee access to preschool, elementary and secondary education to foreign minors established in Chile, under the same conditions as nationals. Such right may not be denied or limited because of their irregular migratory status or that of any of the parents or of whoever has the care of the child or adolescent. Applicants for social security benefits financed entirely with fiscal resources, which involve direct monetary transfers in relation to scholarships or bonuses for students of basic and secondary education, will not be required to comply with the residency requirement established in the second paragraph of Article 16.

Foreigners may access higher education institutions under the same conditions as nationals. Likewise, they will be eligible for free university tuition, in accordance with the provisions of Article 103 (a) of Law No. 21.091, on Higher Education, and subject to compliance with the other legal requirements.

Educational institutions that receive state contributions must have available to the interested parties the information necessary to exercise the rights established in the preceding paragraphs.

Article 18. Right of access to own housing. Foreigners holding permanent residency shall enjoy the same rights regarding their own housing as nationals, provided they meet the other legal requirements.

Article 19. Family reunification. Residents may apply for family reunification with their spouse or with a person with whom they maintain a relationship that, in accordance with applicable law, is effectively equivalent to marriage, with parents, minor children, children with disabilities, unmarried children

under 24 years of age who are students and minors who are under their personal care or guardianship, and the State shall promote the protection of family unity.

Applications for family reunification of children and adolescents with resident aliens will be processed on a priority basis.

Article 20. Sending and receiving remittances. Foreigners have the right to transfer their income and savings obtained in Chile to any other country, as well as to receive money or goods from abroad, in accordance with the conditions and procedures established in the applicable legislation and international agreements ratified by Chile and in force.

The State shall take appropriate measures to facilitate such transfers.

Article 21. Due process. The State shall ensure that foreigners have equal protection of the rights established by law, the Political Constitution of the Republic and the international treaties on Human Rights ratified by Chile and which are in force. In particular, it shall ensure a rational and fair procedure and investigation for the establishment of the sanctions contained in this law, in accordance with the rights and guarantees conferred by the Political Constitution of the Republic, with special consideration to the provisions of Article 19 number 3, and shall provide the necessary means to grant legal advice and defence to those foreigners who cannot procure them by themselves, and the international treaties subscribed by the State and that are in force.

...

Article 73. Remunerated activities. Temporary residents may engage in remunerated activities.

The Service will grant upon request, and immediately, permits for the development of remunerated activities to foreigners who have applied from within the country for a residence permit that enables them to work. Said permit will be in force while the respective application is being resolved.

Article 74. Quality of granting. A person may be granted a temporary residence permit as a holder or as a dependent.

The following persons may apply for temporary residence as dependents:

1. The spouse or cohabitant of the temporary resident.
2. The children of the temporary resident, of his spouse or partner, provided they are under 18 years of age or are persons with disabilities; and children over 18 years of age, but under 24, provided they are studying in an educational institution recognized by the State.

Dependents shall be entitled to perform remunerated activities. The regulations shall establish the conditions and restrictions to which the dependents under number 2 of the preceding paragraph shall be subject.

The aforementioned persons must prove relationship or genuine cohabitation, as the case may be.

The holder must prove economic activity or stable income that allows the maintenance of those who apply for temporary residence as their dependents.

Article 75. Application for permanent residence. The holders of temporary residence permits may apply for permanent residence only if the migratory subcategory to which they belong allows for it, a circumstance that shall be defined in accordance with the provisions of Article 70. In these cases, it shall be possible to apply for and obtain the permanent residence permit notwithstanding the validity of the temporary residence permit held, as long as the enabling term for the respective subcategory has been completed. (Chile 2021)

3.1 Refugee Status

Law 20,430 to Establish Provisions on Refugee Protection (*Ley Núm. 20.430: Establece Disposiciones Sobre Protección de Refugiados*) provides the following:

[translation]

Chapter V

Rights and Obligations of Refugees

Article 13.- Rights. Applicants for refugee status and refugees shall enjoy the rights and freedoms recognized to all persons in the Political Constitution of the Republic, its laws and regulations, as well as in the international human rights and refugee instruments to which Chile is a party, particularly the rights recognized in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

Likewise, refugees and their families shall have the right of access to health, education, housing and work, whether as dependent or self-employed workers, on equal terms with other foreigners.

Article 14.- Obligations. Every refugee has the obligation to abide by the Political Constitution of the Republic, its laws and regulations, as well as all those measures adopted for the maintenance of public order and national security.

Article 15.- Administrative assistance. The competent authorities shall assist refugees, providing them with information on their rights and obligations, and assisting them in obtaining documents, certificates or accreditation of their civil status, titles and other administrative acts. They shall also assist them in transferring their assets, to or from the country, in accordance with the general rules. (Chile 2010, bold in original)

4. Implementation

4.1 Residence Permits

According to sources, 7 January 2022 was the deadline for [translation] "Venezuelans who are in Chile irregularly ... to regularize their status" (El Diario 2022-01-05) or for foreigners who entered Chile before 18 March 2020 [translation] "in a regular manner (through authorized border crossings) and are in an irregular situation, to regularize their status" (El Pitazo 2022-01-04).

Sources indicate that, according to government data, as of June 2022, Chile has granted approximately 160,700 permanent residence permits [2] (R4V 2022-12-12b; CDH-UCAB 2023-01-12) and 589,411 temporary residence permits to Venezuelans (CDH-UCAB 2023-01-12).

However, according to the New Humanitarian, a news organization that focuses on humanitarian crises, the new immigration law only provides legal status to migrants who entered Chile before March

2020 and includes provisions that applications for residence visas "must" be "made and completed from abroad" (2022-07-14).

Sources report that migration policies in Chile have "made it increasingly difficult for Venezuelans to obtain visas or asylum" (HRW 2022-01-13) or that visas like the "one-year consular visa" "are often expensive, hard to acquire and in some cases expire after three months" (GRI 2021-11-20). According to sources, the new immigration law indicates that "only those with a permanent residency permit have the same housing rights as nationals" (Doña-Reveco 2021-05), and "prohibit[s] adjustments from a tourist permit to temporary residence, and make[s] it harder to move from temporary to permanent status" (GRI 2021-11-20). The same sources indicate that "only" those who have resided in Chile "for at least 24 months will be able to receive state-funded social security" (GRI 2021-11-20; Doña-Reveco 2021-05).

4.2 Refugee Status

According to the National Immigration Service, in 2021, there were 3,867 refugee applications, of which 79 percent were made by Venezuelans; the same year, 19 refugee claims were granted and 63 percent of those were made by Venezuelans (Chile n.d.).

4.3 VRD

In correspondence with the Research Directorate, a representative of the Jesuit Migrant Service (Servicio Jesuita a Migrantes, SJM), a Chilean Jesuit organization that promotes the dignity and rights of migrants and refugees in Chile (SJM n.d.), indicated that the VRD is [translation] "extremely difficult to obtain for Venezuelan nationals" due to the "maximum validity period [of documents] requested by the authority, [meaning] that many documents will be invalid, particularly background certificates" (SJM 2023-01-16). The Washington Office on Latin America (WOLA), a research and advocacy organization that focuses on human rights (WOLA n.d.), reports that "the documentation requirements (such as a valid identification and medical certificate)" for the VRD "are difficult for many [Venezuelans] to obtain and applicants must first apply abroad from a Chilean consulate" (2021-09-28). In correspondence with the Research Directorate, the Human Rights Centre of the Universidad Católica Andrés Bello Catholic University (Centro de Derechos Humanos de la Universidad Católica Andrés Bello, CDH-UCAB) in Venezuela [3] indicated that the VRD [translation] "must be requested" at the Chilean Consulate in Caracas or Puerto Ordaz, and that it is "not possible" to apply for the VRD in Chile or a "third country" (CDH-UCAB 2023-01-12). The same source also stated that some [translation] "obstacles or barriers" faced by Venezuelans who wish to acquire the VRD include the following:

- The passport requirement, due to "the high cost" of obtaining a Venezuelan passport (between \$US100 and 200), and given that "although it is possible to process the VRD with an expired passport," those who "cannot obtain this document in their country" are "unable to apply" for the VRD.
- The US\$60 cost of the VRD itself, as it "does not provide for exemptions from payment for those who do not have sufficient economic resources" (CDH-UCAB 2023-01-12).

The same source indicated that Chilean consulates experienced a [translation] "lack of capacity" to respond to the "high demand for visa applications," and the closing of the borders in 2020 "suspended these procedures" (CDH-UCAB 2023-01-12). WOLA states, in a commentary published in September 2021, that the government of Chile "suspended thousands of applications" for the VRD due to the COVID-19 pandemic, although they had "recently resumed the process" (2021-09-28). The SJM representative noted an [translation] "inability of the Chilean consulates to manage the level of

applications that were submitted," and in November 2020, VRD applications were suspended due to the COVID-19 pandemic (SJM 2023-01-16). The same source added that [translation] "[a]lthough the consulates were instructed to resume the procedure, many of these applications are still in progress" and also noted, without providing further information, that the VRD is "repealed" [as of January 2023] (SJM 2023-01-16).

Citing figures from the Ministry of Foreign Affairs, the SJM representative indicated that from April 2018 to June 2022, 14 percent of requested VRDs had been granted, while 79 percent had been rejected (SJM 2023-01-16).

4.4 Deportations

The Ministry of Interior and Public Security indicates that the government [translation] "intend[ed] to deport some 1,500 foreigners [in 2021] and ha[d] leased 15 commercial aircraft to carry out 15 flights" (Chile 2021-04-25). The UN Office of the High Commissioner for Human Rights (OHCHR) reported in May 2021 that since February 2021, the Government of Chile had "expelled" "hundreds of migrants" "in the absence of a genuine individual evaluation of each person's situation and without any possibility for them to apply for protection under international human rights and refugee law" (UN 2021-05-19). According to Human Rights Watch (HRW), "[s]ome" migrants had family members in Chile; "had not been granted a phone call or access to a lawyer, limiting their ability to challenge the deportation; or even had appeals pending on their deportation orders" (HRW 2021-07-28).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) indicates that

[t]hese figures represent the sum of Venezuelan refugees, migrants and asylum-seekers reported by host governments. They do not necessarily imply individual identification, nor registration of each individual, and may include a degree of estimation, as per each government's statistical data processing methodology. As numerous government sources do not account for Venezuelans without a regular status, the total number of Venezuelans is likely to be higher. (2022-12-12a)

[2] R4V notes that the number of residency permits granted "may reflect, in some countries, residency permits that are not currently valid, as well as duplications and triplications (one person carrying multiple permits). It does not include tourist visas" (2022-12-12b).

[3] According to the website of the Human Rights Centre of the Universidad Católica Andrés Bello (Centro de Derechos Humanos de la Universidad Católica Andrés Bello, CDH-UCAB), located in Venezuela, the centre conducts [translation] "training, research, outreach and [provides] legal support of cases in the following areas: right to participation, freedom of expression, international protection systems, transitional justice, modern slavery and protection of refugees and migrants" (CDH-UCAB n.d.).

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