

URGENT ACTION

REFUGEES AND MIGRANTS FACE CRIMINALIZATION

On 10 April 2023, the Commission on Citizen Security of the Chilean Chamber of Deputies began its discussion of a bill that criminalizes refugees and migrants in Chile who lack a regular migratory status. If approved, the law would impose prison sentences to those found guilty of irregular entry and stay in the country. This bill builds on policies and practices in Chile that violate the right to seek asylum and would put refugees and migrants at heightened risk of further human rights violations, including arbitrary detention. We demand the Chilean congress rejects this bill.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr Vlado Mirosevic Verdugo
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Dear Mr Vlado Mirosevic,

I am deeply alarmed by the bill currently under consideration by the Chilean congress that seeks to criminalize refugees and migrants. This bill, contained in Bulletin No. 15261-25, goes against international refugee and human rights law and international standards, and should be rejected.

If the bill is passed, women, men and children arriving to Chile will be punished just for seeking protection or a better life.

Chilean authorities have already imposed obstacles to deny people protection in Chile. These include the imposition of entry visas impossible to access, denial of entry at the border, lack of information about the right to request international protection, as well as illegal practices that punish asylum seekers by requesting them to report themselves to the authorities for irregular entry into the country. These measures violate their right to seek asylum and make it virtually impossible to access a regular migratory status or international protection in the country.

The current bill constitutes a blatant effort to further limit the rights of refugees and migrants. Entering the country irregularly should never be a crime.

We call on you, as President of the Chamber of Deputies, to make your utmost effort to ensure this bill is rejected by the Chilean congress and that any future bills that seek to limit the rights of refugees and migrants in Chile are equally rejected.

Yours sincerely,

ADDITIONAL INFORMATION

The bill contained in Bulletin No. 15261-25, which provides for criminal sanctions against persons who enter or stay in the country irregularly - including prison sentences - is contrary to the 1951 Geneva Convention on Refugees, in particular article 31 on non-criminalization of the irregular entry of asylum seekers and refugees.

Furthermore, experts and human rights bodies at the Inter-American and United Nations level have reiterated that irregular entry and stay should never be treated as a criminal offence. Criminalization of irregular migration is, under international law, unnecessary and disproportionate and can lead to arbitrary detention.

The aforementioned bill is not an isolated effort to criminalize irregular migration in Chile. This discussion and upcoming vote take place in a context of increasing stigmatization of foreign people in the country, in particular towards Venezuelan people in need of protection.

In response to the increase in the number of people arriving in the country, in February 2023, the government ordered the militarization of the northern border. In addition, since the second half of 2022, the legislative and executive branches have been promoting several legislative reforms that would violate the rights of asylum seekers and migrants.

As of March 2023, an estimated 7.24 million people had fled Venezuela due to the complex humanitarian emergency and massive human rights violations being committed in the country. This is the largest refugee crisis in the Americas and one of the largest worldwide. Chile is the fourth largest host country for Venezuelan in Latin America and the Caribbean, after Colombia, Peru and Ecuador, with an estimated 444,400 Venezuelan nationals in its territory (a conservative figure as it dates from December 2021). Amnesty International considers that these people are refugees in accordance with the refugee definition set out in the Cartagena Declaration and incorporated into Chilean law.

In its report, "[No one wants to live in hiding: Lack of protection for Venezuelan refugees in Chile](#)", Amnesty International has identified a series of measures adopted or implemented by the authorities which, taken as a whole, in practice prevent people in need of protection, such as Venezuelans, from requesting asylum or accessing regular migration status in Chile. Given the impossibility of obtaining visas, people in need of international protection, such as Venezuelans, have no other option but to enter irregularly. Others are exposed to refoulement at the border, which is prohibited by international law and puts them at greater risk of grave human rights violations. For those in need of international protection who manage to enter Chile, accessing refugee status or regularizing their migratory situation is extremely difficult, due to the illegal practice of requiring them to self-report their irregular entry and other arbitrary practices that violate international law and international refugee law. In 2021, The National Migration Service registered 3,867 asylum claims. Of these applications, 79% were from Venezuelan nationals. This year, out of the total number of applications received, only 19 were accepted, while 3,082 were rejected. In March 2023, Amnesty International warned that denying them access to the procedure to be recognized as refugees puts them at serious risk of being returned to places where their lives and rights are at risk.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 14 May 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Refugees and migrants in Chile (they/them)

ADDITIONAL TARGETS

Please send copies to:

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