

D I R A S A D
TRADUCCIONES.

UNOFFICIAL TRANSLATION

I-387/00

LEGAL AND REGULATORY

TEXTS

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IN WITNESS WHEREOF, I have hereunto set my hand and seal in
Santiago, Chile, on this 7th day of July, 2000.

THE UNOFFICIAL TRANSLATOR

DECREE LAW N° 1,094 OF 1975

Establishes regulations regarding entry into the country, residence, permanent residence, exit, re-entry, deportation and the control of aliens.

Published in Official Gazette N° 29,208 of July 19 1975.

N° 1,094.- Santiago, July 14 1975.-

Considering: The provisions in decree laws 1 and 128 of 1973 and 527 of 1974, the Government Junta has agreed to draft the following :

D E C R E E L A W

CHAPTER I

ALIENS

ARTICLE 1.- GENERAL REGULATIONS

SECTION 1 : Entry into the country, residence, permanent residence, exit, re-entry, deportation and the control of aliens shall all be regulated by this Decree Law.

ARTICLE 2.- ENTRY AND RESIDENCE

SECTION 2 : To enter the national territory all aliens shall comply with the requirements mentioned in this decree law, and to reside in it they shall obey its requirements, conditions and prohibitions.

The entry into the country of certain aliens may be forbidden by Executive Decree for reasons of national interest

or security.

SECTION 3 : All aliens shall enter and exit through places within the national territory which have been made available for this purpose and which shall be determined by the President of the Republic by Executive Decree, with the signatures of the Minister of the Interior and Minister of National Defense.

All places thus made available may be closed to traffic of persons, temporarily or definitely, whenever circumstances so advise, by Executive Decree drafted in the manner established in the foregoing paragraph.

SECTION 4 : Aliens may enter Chile as tourists, residents, official residents and immigrants in accordance with the regulations referred to in the corresponding sections of this decree law.

All immigrants shall be governed by Statutory Decree N° 69 of April 27 1953, without prejudice to any applicable regulations in this Decree Law.

SECTION 5 : For the purposes of this Decree law, a visa is the permit granted by the appropriate authorities which is stamped into a valid passport and which authorizes its holder to enter the country and stay therein for whatever time it establishes.

A visa shall be considered to be valid from the moment it is stamped into the passport.

SECTION 6 : The granting and extension of any tourist cards and visas for aliens in Chile shall be decided by the Ministry of the Interior, save for those corresponding to the status of official resident, which shall be granted by the

Ministry of Foreign Affairs.

All visas for aliens who are outside Chile shall be decided by the Ministry of Foreign Affairs in accordance with the general instructions issued by both the Ministry of the Interior and the Ministry of Foreign Affairs.

Visas, tourist card extensions, authorizations and permits granted in general shall be subject to the payment of fees, whose amount shall be determined by Executive Decree of the Ministry of the Interior.

Those which are granted abroad shall be paid for in dollars, according to the Consular Fees scale.

The fees referred to in the two foregoing paragraphs shall, to the extent possible, be consistent.

SECTION 7 : All visas granted by the Ministry of Foreign Affairs shall be valid for 90 days as from the date they are granted and this term shall be stamped by the Ministry into the corresponding document. Within such a period, the holder of this type of visa may enter the country. The time of residence shall begin from the moment the holder enters Chilean territory and the validity of the visa may not exceed that of the passport.

SECTION 8 : The moment a visa is stamped, the type of visa, its validity and any others indications which are mentioned in the regulations shall be recorded.

SECTION 9 : The validity of a tourist card and the visa for official residents may be extended, or the type of entry or residence may be changed, in the manner and under the conditions set forth in this decree law.

SECTION 10 : The Investigations Police Directorate

General shall be responsible for the entry and exit of aliens as well as compliance with the obligations of this Decree Law. It shall also report to the Ministry of the Interior any breaches it becomes aware of, and adopt any other steps as are mentioned in this Decree Law and its Regulations.

Where there are no Investigations Police units, the Uniformed Police shall discharge such duties. Nevertheless, at seaports wanting such units, they shall be discharged by the Port Authorities as referred to in Section 2, letter e), of Decree Law N° 2,222 of 1978 (Replaced by Law 18,252 of 1983).

SECTION 11 : International carriers shall not accept any passengers traveling to Chile who are not in the possession of the documents required for entering the country, in accordance with the kind of admittance to the country.

Carriers shall be bound to forthwith repatriate, at their own expense and without any liability for the State, those passengers who are not admitted into the country because they lack the proper documents, and such punishments as are established in this Decree Law shall be imposed.

SECTION 12 : International passenger carriers shall be bound to submit to the authorities mentioned in Section 10, the moment their vehicles enter or exit the country, a list of all passengers and crew as well as any details necessary for identifying them, whenever the authorities so require. No passenger or crew member may embark or disembark before the authorities have conducted the corresponding control and inspection.

SECTION 13 : The powers the Ministry of the Interior has

for granting visas, for extending them and for granting permanent residence permits shall be exercised at its discretion, with due heed to its suitability for the country as well as to international reciprocity, after submission of a report by the Investigations Police.

The particulars which the applications submitted by aliens shall contain for these permits to be granted, the terms within which they must be submitted, the documents that have to accompany them and their processing shall be established in the Regulations.

SECTION 14 : The father, mother, guardian or the person in charge of any minor under the age of 18 years resident in the country shall apply for whatever extensions, visas and permits the minor needs.

In the absence of the persons mentioned in the foregoing paragraph, any minor under 18 years of age may remain in Chile in the same capacity as he/she entered the country until such time as he/she becomes 18. Within three months after reaching the age of 18, he/she shall apply either for permanent residence or the relevant visa.

ARTICLE 3.- ENTRY RESTRICTIONS

SECTION 15 : The following aliens are forbidden from entering Chile :

1. Whosoever spreads or disseminates by word or in writing or in any other way, any doctrines that are aimed at destroying or altering, through violence, law and order in the country or its government; people accused of being or reputed to be agitators or

activists of such doctrines and, in general, whosoever acts in such a way that qualifies under Chilean law as being in breach of external security, national sovereignty, internal security or public law and order in Chile and whosoever undertakes any acts which are contrary to the country's interests or which represent a danger for the State;

2. Whosoever is involved in the illicit trade or trafficking of drugs or firearms, smuggling, white slavery and, in general, whosoever undertakes any activity which is immoral or is liable for moral turpitude;
3. Whosoever is indicted or has been sentenced for any offences which qualify as crimes under Chilean law or who is fleeing from justice for non-political offences;
4. Whosoever does not have or cannot undertake a profession or trade or whosoever lacks the resources allowing him to live in Chile without becoming a burden on the State;
5. Whosoever is suffering from any disease or illness which the Chilean health authorities deem as being reasonable grounds for denying entry into the country;
6. Whosoever has been deported or forced to leave the country by Executive Decree without the corresponding Decree having been repealed, (Amended by Law N° 18,252 of 1983).
7. Without prejudice to the provisions in N° 4 of the

next Section and also in Sections 35, 83 and 6, whosoever does not comply with the entry requirements established in this Decree Law and its Regulations. (Amended by Law 18,252 of 1983).

8. Whosoever has perpetrated any of the offences mentioned in paragraph one of Section 68 and Section 69, and regarding which the criminal acts or the corresponding sentence, as the case may be, had been lapsed; provided they are outside the country. (Added under Law N° 18,252 of 1983).

SECTION 16 : The following aliens may be forbidden from entering Chile :

1. Whosoever has been sentenced or is currently convicted for any offence which qualifies under Chilean law as an ordinary offence,
2. Whosoever has left Chile by order of the Government and is not included under N°6 of the previous Section;
3. Whosoever has been deported from any other country by the appropriate authorities; and
4. Minors under the age of 18 who arrive in Chile not accompanied by their father, mother or guardian and lack the necessary written authorization from any of the latter or from an appropriate tribunal, duly ratified by the Chilean authorities.

The prohibitions mentioned in this Section and the previous one shall be enforced by the authorities mentioned

in Section 10 of this decree-law.

SECTION 17 : Any alien having entered the country despite being subject to any of the prohibitions found in Section 15 or who, whilst living in the country, incur in any of the acts or omissions mentioned in numbers 1, 2 and 4 thereof may be deported.

ARTICLE 4.- OFFICIAL AND OTHER RESIDENTS

SECTION 18 : Official and other residents may only enter the country if in the possession of a passport or other similar document with the proper visa.

I OFFICIAL RESIDENTS

SECTION 19 : Official resident shall mean a member of the Diplomatic and Consular Corps duly accredited before the Government and of those international agencies recognized by Chile, to whom diplomatic or official visas shall be issued.

This same type of visa shall be granted to the members of their household, all administrative staff and any other persons the Regulations to be drafted by the Ministry of Foreign Affairs so determine.

SECTION 20 : Official residents may stay in Chile in that capacity until the expiration of their official tour of duty in the country, which fact shall be notified by the diplomatic, consular or other national or international agency before whom they are accredited to the Ministry of Foreign Affairs within 15 days from completion of the mission.

SECTION 21 : Official residents, to the exclusion of administrative or service staff, may apply at the end of their

corresponding missions, for permanent residence.

The administrative or service staff may, after their tour of duty is over, apply for an employment-based resident visa or for a temporary resident visa and, in the event that those duties end after one year's residence in Chile, for permanent residence.

II OTHER RESIDENTS

SECTION 22 : All other residents shall be granted visas of the following types : "employment-based resident", "student resident", "temporary resident" and "resident with political asylum" or "refugee".

EMPLOYMENT-BASED RESIDENTS

SECTION 23 : An employment-based resident visa shall be granted to those aliens traveling to Chile in order to fulfill an employment contract.

That same visa may be granted to those aliens who are inside the country and wish to settle here in order to fulfill an employment contract.

Likewise, that same visa shall be granted to such members of their household as are determined in the Regulations.

Employment-based visas may remain valid for any period up to two years and may be extended for similar periods. If no term is mentioned in the passport, its validity shall be understood as being the maximum one.

An employment-based resident may apply for permanent residence after having resided two years in the country.

SECTION 24 : The employment contract that is submitted to

obtain this visa shall contain a clause whereby the employer undertakes to pay the return fare of the worker and that of any other persons stipulated in the contract. The formalities and characteristics of the contract shall conform to those mentioned in the Regulations.

SECTION 25 : Termination of the contract that served as background for this visa shall bring about the visa's immediate expiration and the corresponding authorities shall be notified within 15 days thereafter. However, the holder thereof shall be entitled to apply for a new visa or permanent residence, if applicable.

SECTION 26 : All entertainers, sports persons and other duly qualified aliens entering the country and wishing to undertake gainful activities might be granted an employment-based resident visa in the manner and under the conditions the Regulations determine.

III STUDENT RESIDENTS

SECTION 27 : A student visa shall be granted to any alien traveling to Chile to study in any State or private establishment recognized by the Government, or in any center or institution for higher or vocational education.

Likewise, a student visa may be granted to those aliens who, once inside the country, prove that they have enrolled in any of these establishments.

These visas shall have a maximum validity of one year and may be renewed for similar successive periods free of charge.

To obtain an extension of these visas, the alien shall establish his/her student status by submitting the corresponding

enrollment and attendance certificates.

A student resident is not allowed to undertake any gainful activity inside the country, unless previously authorized to do so by the Ministry of the Interior.

SECTION 28 : A student resident with more than one year's residence in Chile may apply for any of the other visas referred to in this Decree Law.

An alien who holds a student visa may apply for permanent residence when his/her studies have been completed.

IV TEMPORARY RESIDENTS

SECTION 29 : A temporary resident visa shall be granted to any alien whose aim is to settle in Chile, provided he can certify having family links or interests in the country and that his/her residence is deemed as useful or advantageous. This visa shall be extended to any members of his/her household.

This visa may also be granted to former residents who have lived at least one year in the country and who had held at least a permanent resident permit which has lapsed, in accordance with Section 43.

SECTION 30 : A temporary resident visa shall have a maximum validity of one year and may be extended once only for the same period. If no validity is mentioned in the corresponding passport, its validity shall be understood as being the maximum one.

SECTION 31 : Holders of a temporary resident visa who reside for one year as such may apply for permanent residence; if they have resided for two years in Chile, they shall be bound

to do so. Otherwise, they shall leave the country.

SECTION 32 : In order to enter Chile, any female alien, married to a Chilean citizen and who is granted a Chilean passport or is included in her husband's passport, shall, in accordance with the provisions of the consular Regulations, be considered as a temporary resident for the purposes of this Decree Law.

SECTION 33 . Those aliens whose admittance is required by national corporate bodies or by international institutions recognized by the Government of the Republic of Chile, because of their being professionals, technicians or highly skilled persons, may be granted a temporary resident visa.

V POLITICAL ASYLUM AND REFUGEES

SECTION 34 : A political asylum resident visa may be granted to those aliens who, in order to safeguard their personal security and due to predominantly political reasons in their country of residence, are forced to seek political asylum from some Chilean diplomatic mission.

Once diplomatic asylum, of a temporary nature, has been granted to aliens, the background information and circumstances relating to the case shall be studied by the Ministry of Foreign Affairs and by the Ministry of the Interior and the visa shall be granted or refused.

In the event it is allocated, the diplomatic asylum shall be ratified as definite and it shall be stamped into the passport, safe-conduct or other similar document the alien submits or is given.

This visa shall extend to all the members of his/her

household who had also been granted diplomatic asylum.

SECTION 34bis : Refugee shall mean one who finds him/herself in any of the situations established in any of the International Conventions in force in Chile. A refugee shall be entitled to the corresponding resident visa. (Section added by Law N° 19,476 of Oct/1996).

SECTION 35 : A political asylum resident visa may be granted to those aliens who, because of the same situations mentioned in the previous Section, are forced to leave their country of residence and unlawfully enter Chilean territory. In this case, they shall be bound to appear before the authorities mentioned in Section 10 to apply for this benefit and submit a written application within 10 days from the date they appeared before the aforementioned authorities.

Within this same term, the aliens shall establish their true identity - in the event they lack any documents to prove it - or declare that the identity card or passport they submit is authentic. If it were ever established that this document was not authentic and they failed to so declare, they shall be punished in accordance with the provisions of this Decree Law.

The Ministry of the Interior, upon consideration of a report by the Investigations Police Directorate General, shall decide whether to grant or refuse the application.

Whilst the applications from aliens in this situation are being resolved, they shall be subject to such measures involving surveillance and control as are necessary in the authorities' opinion; in certain cases, they might be held in custody for up to 15 days.

SECTION 36 : This visa may also be applied for by those aliens who are within Chilean territory as tourists, residents or official residents and who, for political reasons that are duly proved and which have arisen in their country of origin or of usual place of abode, are prevented from returning to it.

SECTION 37 : A political asylum resident visa shall be valid for a maximum of two years. If no term is specified in the corresponding document, it shall be understood as having the maximum validity.

This visa may be extended for similar periods indefinitely and may be exchanged for any other visa referred to in this Decree Law, if applicable.

A resident having been granted political asylum may apply for permanent residence once he/she has been resident in Chile for two years.

SECTION 38 : All refugees and those granted political asylum who lack a valid passport or any other similar identity document which allows them to leave the country and enter a foreign country shall be entitled, upon authorization from the Ministry of the Interior, to have a travel document for aliens issued by the Civil Registry and Identification Service that allows them to leave Chile and re-enter the country subject to all prevailing laws and regulations.

The Ministry of the Interior may - for reasons of law and order and national security or if the applicant has failed to establish his/her identity - refuse to grant the travel document or revoke the one granted. In this case, the holder shall return the document to the Ministry of the Interior. (Amended by Law N°

19,476 of Oct/96).

SECTION 39 : A refugee or a person who has been granted political asylum may not be deported back to the country where his life or freedom are in danger because of his race, religion, nationality, membership of certain social groups or his political opinions.

Neither may those aliens who seek asylum be deported under the terms of the aforementioned paragraph whilst they are residing in Chile, unless their application has been rejected. (Amended by Law N° 19,476 of Oct/96).

SECTION 40 : An alien holding a resident visa as a result of political asylum or refugee status being granted may undertake any gainful or other activity compatible with his/her status and be subject to whatever controls the Ministry of the Interior might determine.

Those persons who, having unlawfully entered the country, apply for this visa and are granted it, shall not be punished for having entered in such a way. (Added by Law N° 19,476 of Oct/96).

SECTION 40bis : A Fact-finding Commission shall advise the Ministry of the Interior in the granting and revoking of a political asylum or refugee resident visa. (Added by Law N° 19,476 of Oct/96).

SECTION 5.- PERMANENT RESIDENCE

SECTION 41 : Permanent residence is the permit granted to aliens wishing to reside for an indefinite period in the country and undertake any type of activity, without any restrictions

other than those established by legal regulations.

This permit shall be granted by decision of the Ministry of the Interior.

SECTION 42 : The periods of residence in the country required to obtain permanent residence shall run uninterruptedly. It shall be understood there has been no interruption when any absences of the alien fail to exceed 180 days within a year prior to the date of expiry of the resident visa.

Without prejudice to the foregoing, any crew members who have been granted employment-based visas at least for a continuous period of four years, or two years if the visa happened to be a temporary resident one, may apply for permanent residence upon expiration of their visa and they shall not be subject to the period of absence mentioned in the foregoing paragraph. (Amended by Law N° 19,273 of 1993).

SECTION 43 : Permanent residence of any alien shall be considered to have been implicitly revoked when he/she is absent from the country for an uninterrupted period of over one year. Such revocation shall not apply in the cases stipulated in the Regulations.

ARTICLE 6.- TOURISTS

SECTION 44 : Tourists shall mean those who enter the country for leisure, sports, health, study, business, family, religious or for any other business, not for immigration or residence purposes or to undertake any gainful activity.

All tourists shall have sufficient financial means to subsist during their stay in Chile, which circumstance must be

substantiated whenever the police authorities deem it necessary.

All tourists may stay in the country for up to 90 days, to be extended for an additional period in the way the Regulations may determine.

Exceptionally, whenever force majeure is claimed and proved, a second extension may be granted for the time strictly necessary to leave the country.

SECTION 45 : All tourists shall be in the possession of a passport or other document, granted by the country of which he/she is a national. Tourists shall be exempt from the obligation to apply for a consular visa.

Nonetheless, for reasons of national interest or of international reciprocity, the obligation may be established by Executive Decree signed by both the Minister of the Interior and the Minister of Foreign Affairs for tourists to register their passports at the corresponding Chilean Consulate or whosoever represents it. In any event, by virtue of any Conventions and Treaties subscribed by the Government of the Republic of Chile, aliens may be admitted into the country as tourists in whatever way and if complying with whatever requirements are prescribed thereby.

Those tourists who are nationals of a country with which Chile does not maintain diplomatic relations shall be in the possession of passports registered with the Chilean Consulate or whosoever represents it and possess a return ticket to their own country or to any other country they are permitted to enter.

Stateless persons may enter as tourists, provided they are in possession of a passport granted by their country of origin

or by international agencies recognized by Chile. Moreover, they shall have been registered as mentioned in the foregoing paragraph and be in possession of an authorization to re-enter their country of origin and of a return ticket to that country or to any other country they are permitted to enter. (Replaced by Decree Law 1,256 of 1975, of the Ministry of the Interior).

SECTION 46 : Upon arrival into the country, a tourist shall be given a card evidencing his/her status as such whilst in Chile.

This document - called a "tourist card" - shall be prepared by the Ministry of the Interior, upon report by the Investigations Police Directorate General, the National Tourist Board and the Department of National Statistics.

SECTION 47 : A tourist card shall be granted free of charge. However, the Ministry of the Interior, upon report by the Ministry of Foreign Affairs, may establish by a reasoned Executive Decree that the tourist card be subject to the payment of a fee.

In any event, whenever Chileans in other countries are required to pay a fee for entering those countries as tourists, the nationals from those countries shall likewise be required to pay a similar fee.

SECTION 48 : Tourists are forbidden from undertaking any gainful activities. Nevertheless, the Ministry of the Interior may authorize them, in certain cases, to undertake such activities for a period not to exceed 30 days, extendible for similar periods, until the tourist card expires.

The moment the Ministry of the Interior issues the

authorization, it shall withdraw the tourist card and replace it with a special one, which shall contain such particulars as the Regulations may establish.

On leaving the country, the special card shall be exchanged for the tourist card, upon exhibition of a receipt for the payment of fees.

SECTION 49 : Tourists may request to change their status for that of resident or official resident, as the case may be, if they fall into any of the following categories :

1. The spouse of a Chilean national and his/her parents and children;
2. The spouse and children of an alien who resides in the country and holds some sort of permit or permanent resident visa, as well as the parents of an alien over 18 years of age who resides in the country under any of the aforementioned conditions. (Amended by Law 19,221 of 1993);
3. All ascendants of Chileans;
4. The foreign children of naturalized Chileans;
5. Professionals and technicians who prove their skills with certified diplomas and who can substantiate that they have been hired or that they shall practice in Chile as such;
6. Teachers who have been hired by State educational centers or institutions recognized by it, provided they can substantiate their capacity as such by the submission of certified diplomas;
7. Whosoever has been appointed or hired for undertaking

the tasks normally covered by an official resident visa;

8. Whosoever claims refugee status or seeks political asylum in accordance with the provisions of Section 36;
9. The spouse and the children of any aliens referred to in the four previous numbers. Benefits may be obtained either jointly or separately; and
10. Whosoever is considered by the Ministry of the Interior to be entitled to this benefit.

ARTICLE 7.- CREW MEMBERS

SECTION 50 : Any aliens who are the crew members of seagoing vessels, aircraft or land or rail transport vehicles belonging to carriers engaged in international transport of passengers and cargo, shall be considered, for all intents and purposes, as residents possessing the special status of crews mentioned in this paragraph.

Moreover, all of the members of the crews of vessels and special craft, as defined in Decree Law N° 2,222 of 1978, and operating in territorial waters, shall be afforded such status.

Foreign crews may only stay inside the country for the time that, each time, the authorities indicated in Section 10 determine in the document they are granted upon entry, which shall be called "crew card" and which shall remain in force for no longer than 30 days.

The Ministry of the Interior, in such cases as the Regulations may determine, may grant such a card under the terms and conditions it establishes and for no longer than one year

(Replaced by Law N° 18,252 of 1983).

SECTION 51 : A crew card shall also be granted to those aliens who submit documents issued by certified companies in the country evidencing that they are part of the crew of a seagoing vessel, aircraft, special craft, naval vessel or an international land or rail transport vehicle and that they are entering the country in any type of transportation to join their company's crew (Amended by Law N° 18,252 of 1983).

Also, all crew members shall retain such status for the purpose of leaving the country, even if they must leave it in a vehicle other than the one they used for entering it.

The corresponding carriers shall be responsible for all expenses incurred by any illegal residence, deportation or the departure from the country on the part of foreign crews.

ARTICLE 8.- IDENTITY CARD AND REGISTRATION

SECTION 52 : All aliens over the age of 18, to the exclusion of tourists and official residents, shall register in the special records for aliens kept by the Investigations Police, within 30 days following their entry into the country.

Those aliens who unlawfully enter the country and who are granted a visa in Chile, shall comply with the obligation mentioned in the foregoing paragraph within 30 days following their entry into the country.

Those aliens who unlawfully enter the country and are granted a visa in Chile, shall comply with the obligation mentioned in the foregoing paragraph within 30 days following the date on which the visa has been allocated. This provision shall not apply to those having been granted a diplomatic or

official visa.

The cost of the registration certificate shall be borne by the interested party and may not exceed expenses by way of preparation, which amount shall be fixed annually by a resolution from the Ministry of the Interior.

SECTION 53 : Those aliens bound to register and those who are in possession of the permanent residence permit shall notify the authorities mentioned in Section 10 any change of address or of their activities, within 30 days following the occurrence thereof.

Moreover, those aliens bound to register shall apply for an identity card within the term mentioned in Section 52, which shall be effective for as long as the corresponding visa. The identity card granted to the holder of a permanent residence permit shall remain in force for five years.

The identity card granted under this Section shall be issued under the same forename and surname as the passport or other valid document that had been used for entering the country. (Added by Law N° 18,252 of 1983).

The children of aliens born in Chile shall be granted an identity card in accordance with the regulations issued by the Civil Registry. (Amended by Law N° 18,252 of 1983).

ARTICLE 9.- EXIT AND RE-ENTRY (*)

SECTION 54 : To leave the country, no safe-conduct from the border control authorities referred to in Section 10 shall be required, except at those places made available for cross-border traffic which have not been incorporated into the computerized system of the Chilean Investigations Police, and

aliens shall be afforded the same treatment as Chileans.

SECTION 55 : Any alien under 18 years of age who has entered the country as a tourist, duly authorized by any of the persons and in the manner mentioned in Section 16 N° 4, shall be entitled to leave Chilean territory under the same authorization.

Any alien under the age of 18 who has entered as a tourist, accompanied by his/her legal representative, and who wishes to leave the country without him/her, shall have the authorization mentioned in the foregoing paragraph.

When dealing with aliens under the age of 18 who are resident in Chile, the provisions in Law N° 16,618 shall apply.

If the persons whose authorization is required for the exit of under-aged aliens from the country are unable or unwilling to give such an authorization, the latter may be supplied by an appropriate Judge of the Juvenile Court. This same procedure shall apply to those under-aged persons unlawfully entering the country.

SECTION 56 : Aliens indicted or subject to a writ of ne exeat shall substantiate before the controlling authorities referred to in Section 10 that they have been granted permission from the corresponding court to leave the country.

SECTION 57 : In the event a punishment is imposed by the administrative authorities for any breach of this law, the alien may not leave the country until such time as he/she has served the corresponding punishment or has been authorized to leave by the Ministry of the Interior.

SECTION 58 : Even when an alien holding a valid resident

visa or permanent residence permit in the country has been given a tourist card, the moment he/she re-enters the country, the residence status under which that alien had left the country shall always prevail.

SECTION 59 : Any aliens who have stayed for at least six months in any of the localities or districts abutting onto Chilean borders, as determined in accordance with the provisions of the following paragraph, and who possess legal residence in Chile, may leave the country and return to it without need for the safe-conduct referred to in Section 54.

SECTION 60 : The Ministry of the Interior, upon consideration of a report by the National Borders and Territorial Limits Directorate, shall determine which border localities and districts are subject to this special travel arrangement. It may, likewise and by means of a reasoned resolution, extend this nomination to other areas in the country, whenever national interests so require.

(*) Paragraph amended by Law 19,273 of 1993. Sections 60bis and 61 are deleted.

ARTICLE 10.- REJECTION AND REVOCATION

SECTION 62 : In order to decide whether to grant extensions of tourist cards, visas and permanent residence permits, the grounds for rejection that are found in the following Sections shall be taken into consideration.

SECTION 63 : Any applications made by the following applicants must be rejected :

1. Whosoever enters Chile, in spite of being

subject to any of the prohibitions set forth in Section 15.

2. Whosoever, because of any conduct or circumstances occurring during his/her stay in the country becomes subject to N°s 1 or 2 of Section 15.
3. Whosoever enters the country using false or forged entry documents or documents which have been issued in someone else's name and whosoever incurs in similar frauds with regard to alien documentation issued in Chile, without prejudice to the provisions in Section 35 and any criminal liability stemming therefrom, and
4. Whosoever fails to comply with the requirements necessary for obtaining the benefit to be granted.

SECTION 64 : Any applications made by the following applicants may be rejected :

1. Whosoever has been sentenced in Chile for a crime or an offence;
2. In the event of persons indicted whose application had been rejected, a writ of ne exeat may be issued until such time as a final or executed judgment or ruling has been handed down in the corresponding case, in which case any of the legal border control measures shall be adopted for the time necessary;
3. Whosoever makes any misrepresentations when

applying for the consular card, tourist card, registration, identity card, visa and any extensions thereof or permanent residence permits and, in general, when conducting any business before the Chilean authorities;

4. Whosoever, whilst resident in the national territory, undertakes acts that might be construed as a nuisance for any other country with which Chile has diplomatic relations or for their leaders;
5. Whosoever, due to circumstances occurring after entry into Chile, becomes subject to N°s 4 or 5 of Section 15.
6. Whosoever fails to observe any prohibitions or to comply with the obligations contained in this Decree Law and its Regulations;
7. Whosoever fails to obey the rules concerning the terms set forth in this Decree Law and its Regulations for obtaining the corresponding benefits;
8. Those employment-based residents that, through their own fault, had their employment contract terminated; and
9. Whosoever fails to comply with their tax obligations.

Moreover, any applications may be rejected for reasons of national interest or benefit.

SECTION 65 : The following permits and authorizations

must be revoked :

1. Those granted abroad to persons who are subject to any of the prohibitions mentioned in Section 15;
2. Those granted in Chile in breach of the provisions set forth in Section 63; and
3. Those held by aliens who, after entering Chile as tourists or being granted their permit, undertake any acts included in numbers 1 or 2 of Section 15 or in number 3 of Section 63.

SECTION 66 : The permits of those aliens may be revoked who, as a result of any acts undertaken or circumstances arising after they enter Chile as tourists or are granted the permit or authorization they hold, become subject to any of the cases referred to in Section 64.

SECTION 67 : It shall be the Ministry of the Interior's duty to decide on any revocations referred to in the two previous Sections.

If any of the authorizations referred to in this Decree Law are revoked or rejected, the Ministry of the Interior shall fix for the aliens involved a reasonable term of not less than 72 hours for them to voluntarily leave the country.

Voluntary departure from the country may be substituted by the granting of a resident visa for such special period as is determined, in which case the alien affected shall place his/her passport at the disposal of the authorities during the period established in the corresponding resolution.

Upon expiry of the terms referred to in the foregoing paragraphs, if an alien has failed to comply with what the

authorities had ordered, the corresponding deportation decree shall be drafted. (Amended by Law N° 18,252 of 1983).

CHAPTER II

OFFENCES, PUNISHMENTS AND APPEALS

ARTICLE 1.- OFFENCES AND PUNISHMENTS

SECTION 68 : Aliens entering the country or attempting to leave it, whilst using false or forged documents or ones which have been issued in someone else's name or used during their residence, shall be punished with short-term imprisonment in its maximum degree, as well as being deported. Deportation shall take place as soon as the person involved has served the prison term imposed. (Amended by Law N° 18,252 of 1983).

With these offences, there shall be no parole pending sentencing nor any remission of the sentence.

The provisions in this Section shall not apply to those cases where the alien makes the declaration referred to in paragraph two of Section 35.

SECTION 69 : Those aliens who enter the country or who attempt to leave it clandestinely shall be punished with short-term imprisonment in its maximum degree. (Amended by Law N° 18,252 of 1983).

If they were to do so through places not made available, the sentence shall be short-term imprisonment, in its minimum to maximum degree.

If they enter the country in spite of their being subject to any grounds preventing or forbidding them from entering, they shall be punished with short-term imprisonment in its maximum

degree and long-term imprisonment in its minimum degree.

Once they have served the sentences imposed in the cases mentioned above, the aliens shall be deported.

SECTION 70 : Those aliens discovered undertaking gainful activities without them being authorized therefor shall be punished with a fine of between 1 and 50 vital wages.

SECTION 71 : Those aliens who continue to reside in the country after the legal term of residence has expired shall be punished with a fine of between 1 and 20 vital wages, without prejudice to being bound to leave the country or be deported.

SECTION 72 : Those aliens who during their stay in the country fail to timely comply with their obligation to register, to obtain an identity card or to notify the authorities, if applicable, any change in address or activities, shall be punished with fines of between 1 and 20 vital wages, without prejudice to the fact that, in the case of serious or repeated breaches of the regulations found in this Decree Law, they shall be forced to leave the country or be deported.

SECTION 72bis : When dealing with persons included in Sections 70, 71 and 72 above and provided they are not recidivists, the Ministry of the Interior, when handling their cases, may, by operation of law or at the request of the parties, punish them with a written warning rather than a fine. (Amended by Decree-Law N° 1,883 of 1977 of the Ministry of the Interior).

SECTION 73 : Any carrier bringing aliens into the country who lack the necessary documents shall be fined with between 1

and 20 vital wages for each passenger in breach. In the case of recidivists, the Ministry of the Interior, besides imposing any fines applicable, shall notify the Ministry of Transportation, which shall adopt such measures or impose such punishments as are within its sphere of competence.

Those companies whose vehicles leave the country before they can be inspected by the competent authorities shall be fined with between 10 and 50 vital wages.

SECTION 74 : Aliens who have failed to substantiate their legal residence or stay in the country or who have not been granted a work permit may not engage in a gainful activity.

Whosoever employs or hires aliens shall notify the Ministry of the Interior in Santiago or the Regional or Provincial Governors, as the case may be, in writing and within 15 days from the occurrence of any circumstances that might alter or modify their residence status. They shall also bear the expenses involved in deporting such aliens whenever the Ministry of the Interior so orders.

Any breach of the provisions of this Section shall be punished with fines of between 1 and 40 vital wages per each offence.

SECTION 75 : Those authorities reporting to the Ministry of Labor and Social Security must notify the Ministry of the Interior or the Regional or Provincial Governors, as the case may be, any breach in the hiring of aliens they might be aware of. If it is established that an employment contract had been fraudulently entered into with an alien so as to obtain the corresponding visa, the alien shall be deported, without

prejudice to any other action that might be taken by the courts of justice.

An employer who fraudulently prepares an employment contract with an alien for the above purpose shall be punished with a fine of between one and fifty vital wages. In the event of recidivism, he shall be punished with short-term imprisonment in its minimum degree, regardless of any fine applicable. In any event, he shall bear any alien's return fare.

Whenever it were proved that aliens had been hired who were not duly authorized or qualified to undertake a gainful activity by State or Municipal authorities or services, the Ministry of the Interior shall request the competent authorities to carry out an administrative inquest so as to impose upon those officials in breach fines equivalent to 1 to 15-day salary. In the event of recidivists, punishment shall be a request for their resignation.

SECTION 76 : The State or Municipal authorities or services shall ask all aliens doing business falling under their sphere of competence to prove their legal residence in the country and that their being authorized or empowered to undertake the corresponding acts or enter into the corresponding contracts.

SECTION 77 : The owners, administrators, managers or persons in charge of hotels, hostels or boarding houses where aliens stay, as well as the owners or lessors who lease out lodging to them, shall ask them to substantiate their legal residence in the country.

Noncompliance with this obligation shall be fined with

between 1 and 20 vital wages.

Whosoever provides lodging for aliens who lack the necessary documents shall be fined with between 1 and 10 vital wages.

SECTION 77bis : In order to apply the fines dealt with in this paragraph, the fact that the offender had admitted the offence or had come before the authorities to put the situation right shall be considered as a mitigating circumstance. (Added by Decree Law N° 1,883 of 1977 of the Ministry of the Interior).

ARTICLE 2.- ENFORCEMENT OF

PUNISHMENTS AND APPEALS

SECTION 78 : The offences in this Article shall be tried by the courts of justice.

The corresponding action may only be initiated from a complaint or at the request of the Ministry of the Interior or the Regional Governor, who may withdraw it at any time, thus terminating the right to bring an action. The Courts shall finally dismiss the case and order all detainees or prisoners to be released.

SECTION 79 : All fines and warnings established in this Decree Law shall be applied through administrative resolutions upon only the merits of the supporting information; however, to the extent possible, the affected party must be heard.

In the Metropolitan Region and the remainder of the Regions in the country, the powers mentioned in the foregoing paragraph shall be exercised by the corresponding Regional Governors, with powers delegated to them in these matters by the Ministry of the

Interior. Such authorities shall notify the steps taken to the Aliens and Migration Department of said Ministry. (Amended by Statutory Decree N° 7-2345 of 1979 of the Ministry of the Interior).

Within 10 working days from personal notification or the delivery of a registered letter addressed to the domicile or residence of the affected party, of the resolution containing the warning or the fine, the affected party may lodge an appeal for reversal with the corresponding Regional Governor, based on new evidence that shall accompany the appeal. The corresponding authorities may ratify, modify or leave the punishment without effect.

Before lodging the appeal the affected party shall deposit 50% of the amount of the fine, in a bankers' draft to the order of the Ministry of the Interior. (Amended by Statutory Decree N° 7-2345 of 1979 of the Ministry of the Interior).

SECTION 80 : The administrative resolution for collecting the amount of the fine imposed shall carry a right of execution.

Should the foreign offender fail to pay the fine within 15 days from the date on which the corresponding resolution had become final, he may be deported.

**ARTICLE 3.- CONTROL, TRANSFER AND
DEPORTATION MEASURES**

SECTION 81 : Any aliens entering the country without having complied with the requirements and conditions prescribed in this Decree Law, who fail to observe their prohibitions or continue to stay in Chile despite their visas having expired, shall be subject to the immediate control of the authorities and

may be transferred to a place made available within the territory of the Republic, whilst their stay is formalized or the corresponding punishments are applied.

SECTION 82 : Control measures shall be adopted by Police discovers having discovered the offence, who shall place all background information before the Ministry of the Interior, through the Investigations Police Directorate General, so that the offender may be imposed the applicable punishment.

The authorities mentioned in Section 10 who discover the offenders shall proceed to take from them the necessary declaration and withdraw their documents. Offenders shall also be taken to a place for compulsory residence for the time necessary and shall be bound to appear periodically before a determined police unit.

Attempting to avoid these control and transfer measures shall be grounds for deporting the person involved.

SECTION 83 : The authorities mentioned in Section 10 may provisionally allow aliens to enter the country whose documents contain some sort of purely accidental omission or defect or whose authenticity is doubtful, duly notifying the corresponding Unit so that the latter might finally determine the authenticity of such documents or that control measures, supervision and transfer be adopted as established in this section.

SECTION 84 : The deportation of any aliens shall be ordered by a reasoned Executive Decree, signed by the Ministry of the Interior under the formula of "By Order of the President of the Republic", and the affected person shall reserve the right to file all such administrative and judicial appeals as

are legally permitted.

Nonetheless, the deportation of aliens holding tourist permits or extending their stay after the expiration thereof shall be ordered by resolution of the corresponding Regional Governor, without the need for any decree.

Deportation may be revoked or suspended temporarily at any time.

The transfer as referred to in Sections 81, 82 and 83 shall be ordered by the police authorities mentioned in Section 10, with a view to placing the affected person at the disposal of the corresponding judicial administrative authorities. (Amended by Law N° 18,252 of 1983).

SECTION 85 : Foreign crew members belonging to merchant companies or those devoted to international passenger carriers, who were to desert their corresponding carrier and who fail to qualify as tourists shall be deported from the country, without further ado, unless the corresponding carrier, the consular or diplomatic representative, as the case may be, or the interested parties themselves were to negotiate within a reasonable term their leaving the country or seeking an extension of their crew permit. In any event, all expenses for their stay, transfer and deportation shall be paid for by the corresponding carrier. (Amended by Law N° 18,252 of 1983).

SECTION 86 : To enforce compliance with the deportation measures provided for in this section, the Regional or Provincial Governors of the jurisdiction where the affected alien is found shall be empowered to issue, if necessary, by means of a reasoned decree a warrant to enter and search a

premises.

SECTION 87 : Any alien in breach of the prohibitions contained in N° 6 of Section 15 shall be deported without the need for any new decree. In the case of a recidivist, the offender shall be punished with short-term imprisonment in its minimum to medium degree. Upon service of sentence, the offender shall be deported without need for a further formality.

The foregoing shall apply provided the breach does not constitute any of the offences referred to in Section 69 of this Decree Law or any other special regulations.

The fact that some sort of visa had been granted abroad does not repeal the deportation decree or the measure that provided for compulsory departure from the country.

SECTION 88 : The Ministry of the Interior shall keep a record of all aliens deported or compelled to leave the country and shall notify the Ministry of Foreign Affairs of these measures.

SECTION 89 : Any alien whose deportation had been ordered by Executive Decree may judicially appeal, either on his/her own behalf by any member of his/her household, before the Supreme Court within 24 hours after being notified. (Amended by Law N° 18,252 of 1983).

Such an appeal shall be reasoned and the Supreme Court, acting summarily, shall announce its decision within 5 days from the date of submission.

Lodging an appeal shall suspend the enforcement of the deportation order and whilst it is being processed, the affected aliens shall be kept in custody in a correctional center in such

other place as the Ministry of the Interior or the Governor may determine.

SECTION 90 : The affected party shall be informed in writing of the deportation order and he/she may make known at that moment and if necessary his/her intention to appeal against the order or to agree to it. In the latter case, deportation shall take place without further ado.

After 24 hours from the alien being notified, if no appeal is lodged or if such an appeal were to be rejected or if such period of time has lapsed since the appeal was dismissed, the authorities referred to in Section 10 shall proceed to enforce the deportation ordered. (Amended by Law N° 18,252 of 1983).

CHAPTER III

ORGANIZATION, DUTIES AND POWERS OF THE

MINISTRY OF THE INTERIOR AND THE ALIENS AND MIGRATION

DEPARTMENT

SECTION 91 : The Ministry of the Interior shall be responsible for enforcing the provisions in this Decree Law and its Regulations.

It shall also have the following special powers :

1. To propose national immigration or alien policy, after due consideration of reports from the bodies involved in each case;
2. To see to the compliance with aliens' laws and propose any amendments or additions, through the Aliens and Migration Department, to the provisions included in this Decree Law and its Regulations;

3. To be aware of and notify the Ministry of Foreign Affairs any international Treaties or Conventions that may contain regulations on immigration or aliens matters;
4. To make available, as mentioned in Section 3, the places for the entry and exit of aliens;
5. To establish, organize and keep a National Register of Aliens;
6. To prevent and suppress clandestine immigration and emigration;
7. To apply whatever administrative punishments as are necessary upon whosoever is in breach of the rules established in this Decree Law;
8. To normalize the permanent residence permits of those aliens who had unlawfully entered Chile or resided in the country or order them to leave the country or be deported;
9. To give out instructions for an improved application of this Decree Law;
10. To delegate to the Internal Affairs Authorities such powers as are necessary;
11. To declare, in case of doubt, whether somebody is indeed an alien.

SECTION 92 : The Aliens and Migration Department of the Ministry of the Interior - hereinafter referred to as Aliens and Migration Department - shall be responsible for applying and directly seeing to the compliance with the rules set forth in this Decree Law and its Regulations.

SECTION 93 : It shall fall upon the Aliens and Migration Department to enforce whatever decrees, resolutions, orders and

instructions are given out by the Ministry of the Interior in accordance with this Decree Law and its Regulations.

CHAPTER IV

MISCELLANEOUS PROVISIONS

SECTION 94 : The lower Courts of Justice and military tribunals, as the case may be, shall inform, within a maximum term of five days, the Civil Registry and Identification Service and the Chilean Investigations Police of any cases against alien defendants in which writs of habeas corpus, convictions and an indictment has been issued. In the regions, with the exception of the Metropolitan Region, such notifications shall be remitted to the regional units of the services mentioned, which shall also notify the central authorities within that term. (Amended by Law N° 18,252 of 1983).

The Investigations Police Directorate General shall make all this background information available to the Ministry of the Interior and inform it of the residence status in Chile of the alien affected by the judicial resolution.

The Prison Authorities shall notify the Investigations Police Directorate General in due time of the service by aliens of prison terms imposed upon them and who have been imprisoned in different penitentiaries and prisons throughout the country, and notify them the exact dates they are due for release on parole or after service of sentence.

SECTION 95 : All references made to vital wages in this Decree Law shall be understood to be made to the monthly vital wage for the province of Santiago. (Implicitly repealed by Law N° 18,252 and published in the Official Gazette of 14.08.81).

SECTION 96 : Laws 3,446 of 1918 and 13,353 of 1959, with their respective regulations, are hereby repealed, as well as any legal or statutory regulations which are contrary to the text of this Decree Law.

The corresponding regulations shall be drafted within the term of 120 days from the date on which this Decree Law comes into force.

CHAPTER V

PROVISIONAL REGULATIONS

SECTION 1 : Those aliens who have entered the country before January 1 1970 whose situation has not been resolved and who have stayed uninterruptedly in the country since that date, shall be required to apply for permanent residence permits.

Those aliens who had entered after January 1 1970, whose situation in the country has not been resolved and who have stayed uninterruptedly in it for at least one year as of the date of this decree law, shall be entitled to apply for the corresponding visa.

Those aliens who are subject to the situations referred to in this Section shall submit their applications within a term of 6 months. Otherwise, the procedure mentioned in Chapter II of this Decree Law shall be applied.

The Ministry of the Interior shall determine, in certain cases, the sufficiency of the documents submitted by the aliens who avail themselves of the regulations contained in this Section and shall approve or reject all applications, after due consideration of all background information. In the event they are rejected, it may order the applicant to leave the country or

cause his/her deportation within a reasonable term.

SECTION 2 : Any individual or public or private bodies corporate who employs foreign personnel lacking the proper documents and who have unlawfully entered the country shall, within 90 days from the publication of this decree law, notify them in writing so that they have their situation regularized by the pertinent authorities.

After the lapse of the 6-month term mentioned in the previous Section, the employer shall notify the corresponding Regional or Provincial Governor, if in the provinces, or the Aliens and Migration Department, if in Santiago, in writing within 5 days thereafter, the names of the aliens who have failed to fulfil this obligation.

SECTION 3 : All aliens who have unlawfully entered the country and failed to submit applications for regularizing their situation within the term mentioned in provisional Section 1, shall be dismissed from their job or occupation. This situation shall be grounds for dismissal for all legal purposes, and the affected person shall not be entitled to claim any severance pay, irrespective of the stipulations in the corresponding employment contract. They shall also be deported.

Employers who fail to comply with the obligations referred to in this Section and in the previous one shall pay the return fare of the offending alien to his/her country of origin or that which is mentioned in the contract, when the alien is forced to leave.

SECTION 4 : Until such time as the regulations indicated in Section 96 are enacted, the rules shall remain in force which

are found in statutory decree N° 13.353, contained in Executive Decree N° 5,021 from the Ministry of the Interior dated September 16 1959, in all matters that are not contrary to the regulations found in this Decree Law.

SECTION 5 : Wherever there are no Regional or Provincial Governors, the duties and powers given to them in this Decree Law shall be provisionally discharged and exercised by the corresponding Governors.

This document shall be recorded with the Comptroller General of the Republic, published in the Official Gazette and inserted in the Official Digest of the aforesaid Comptroller.- AUGUSTO PINOCHET UGARTE, Army General and Commander in Chief of the Army, President of the Republic.- JOSE T. MERINO CASTRO, Admiral and Naval Commander in Chief.- GUSTAVO LEIGH GUZMÁN, Air Marshall and Airforce Commander in Chief.- CÉSAR MENDOZA DURÁN, General and Chief Commissioner of the Uniformed Police.- Raúl Benavides Escobar, Division General and Minister of the Interior.

APPROVES THE NEW ALIENS REGULATIONS

EXECUTIVE DECREE N° 597

SANTIAGO, June 14 1984

The following was decreed today :

CONSIDERING this background information, and

BEARING IN MIND :

- a) That, in Executive Decree N° 1.306 of October 27 1975,

published on February 16 1976, of the Ministry of the Interior, the Aliens Regulations were approved;

b) That said Executive Decree contains the regulations of Decree Law 1,094 of 1975, which in turn has been amended by Decree Law 1,256 of 1975; Decree Law 1,883 of 1977; Statutory Decree 5-2345 of 1979; Statutory Decree 7-2345 of 1979 and Law 18,252;

c) That, by virtue of experience acquired in its implementation, the decentralization of duties, the incorporation of information technology to assist immigration authorities and the amendments introduced into Decree Law 1,094 of 1975, the drafting of new Aliens Regulations has become necessary.

IN ACCORDANCE WITH the provisions in N° 8 of Section 32 of the Political Constitution of the Republic.

IT IS HEREBY DECREED

That the new Aliens Regulations are **APPROVED** as follows :

CHAPTER I

ENTRY INTO THE COUNTRY

ARTICLE I

GENERAL REGULATIONS

SECTION 1 : Entry into the country, residence, permanent residence permits, exit, re-entry, punishments and the control of aliens shall all be governed by Decree Law N° 1,094 of July 19 1975, as amended, these Regulations and Statutory Decree N° 69 of April 27 1953.

SECTION 2 : All aliens who enter the national territory shall comply with the requirements mentioned in these Regulations and to stay here, they shall obey all their requirements, conditions and prohibitions.

SECTION 3 : The Ministry of Foreign Affairs shall notify all aliens who wish to enter the country, through officials in the Foreign Service, the instructions, procedures and administrative formalities relating to their obligations, rights and prohibitions whilst staying in the country.

SECTION 4 : The Chilean Investigations Police or the Uniformed Police in those places where there are no Investigations Police units, shall control the entry and exit of all aliens and refuse all persons failing to comply with the requirements entry into or exit from the country.

It shall also report to the Ministry of the Interior any breaches it becomes aware of, and comply with all other obligations the Law and these Regulations do require.

At seaports where there are no Investigations Police units, these duties shall be discharged by the Port Authorities referred to in Section 2 letter e) of Decree Law N° 2,222 of 1978.

SECTION 5 : All aliens shall be bound to hand over to the corresponding authorities, whenever they are required to do so, their identity documents or alien documents evidencing their residence status in Chile.

All companies, services or persons who employ aliens or give lodging to them shall also be bound to provide the authorities with all kinds of information and data they are

requested to for the above purposes.

ARTICLE 2

ENTRY AND AUTHORIZATIONS OR PERMITS IN GENERAL

SECTION 6 : Aliens entering the country shall do so at places made available, with the proper documents and without any reasons for refusing or denying their entry.

SECTION 7 : Places made available means bordering posts controlled by the authorities mentioned in Section 4. These places shall be determined by the President of the Republic, in an Executive Decree bearing the signature of the Minister of the Interior and the Minister of National Defense.

The places made available may be closed to the traffic of persons, temporarily or definitely, by Executive Decree drafted in the way established in the foregoing paragraph, whenever circumstances so advise.

On the islands of Navarino, Juan Fernández and any other island territories appointed, upon consideration of a report by the Ministry of National Defense - by the Ministry of the Interior - the entry and border control of all aliens shall be undertaken by the corresponding Port Authorities, which shall allow aliens to disembark but retaining their travel documents, which shall be returned to them the moment the seagoing vessel or aircraft departs. Proper records shall be kept of these operations.

SECTION 8 : The term *proper documents* means authentic and valid passports or any other documents accepted by the Ministry of Foreign Affairs, as well as whatever documentation

is determined in Treaties or Conventions subscribed on the matter by the Government of the Republic.

SECTION 9 : Aliens may enter Chile as tourists, residents, official residents or immigrants.

Tourists may stay in the country for any time up to 90 days, extendible in the manner determined in Chapter III.

Official residents may remain in Chile, in that capacity, until their corresponding official tours of duty have been completed.

Residents may remain in the country for the periods their corresponding visas allow them to and in the manner and under the terms and conditions determined in Chapter II.

Foreign crew members belonging to international carriers, seagoing vessels, special vessels and naval vessels shall be considered as residents in accordance with the provisions in section 6 of Chapter II.

All immigrants shall be governed by Statutory Decree N° 69 of April 27 1953 and the regulations contained in Decree Law N° 1,094 of 1975, its amendments and these regulations provided they are compatible with the legal body referred to.

SECTION 10 : All residents, official residents and immigrants shall enter the national territory possessing visas; for the purposes of these Regulations, visa shall mean a valid permit given by the appropriate authorities stamped into a passport or similar document, authorizing the holder thereof to enter the country and stay in it for whatever time is determined. A visa shall be considered as valid the moment it is stamped into the passport.

Tourists entering Chile shall be subject to the requirements mentioned in Chapter III.

SECTION 11 : Official residents shall be granted a "diplomatic or official" visa.

Residents shall be granted visas under the following names: "Temporary Resident", "Employment-Based Resident", "Student Resident", "Resident with Political Asylum or Refugee".

SECTION 12 : The granting of visas to aliens who are outside the country shall be resolved by the Ministry of Foreign Affairs, which shall authorize its Foreign Service officials accordingly, in accordance with the general instructions handed out jointly with the Ministry of the Interior. Such instructions shall conform to the Supreme Government's Migration Policy.

Such visas shall be paid for in dollars, as established in the Consular Fees.

SECTION 13 : All visas, changes, extensions and transfers thereof, except for diplomatic and official ones, as well as permanent residence permits for aliens in the country, shall be resolved or granted by the Ministry of the Interior. Also, it shall be responsible for resolving and granting any extensions and renewals of tourist cards or any other permits that are established in these Regulations.

These powers shall be exercised at its discretion, bearing especially in mind the need or usefulness the visas represent for the country as well as international reciprocity, upon consideration of a report, whenever applicable, by the Chilean Investigations Police.

These authorizations and permits shall be subject to fees

payable in local currency at the rates that are established by Executive Decree. These fees shall be in line with those established in the Consular Fees, Treaties and Conventions signed by Chile and be determined in accordance with international reciprocity, whenever applicable.

SECTION 14 : The holders of visas allocated outside the country shall have 90 days to use them, starting from the date they were granted.

The period of residence authorized in the visa shall begin to run from the moment the holder enters the national territory. All in all, the validity of these visas shall never exceed the validity of the passports.

SECTION 15 : To grant visas to aliens wishing to enter the country as residents, the officials in the Foreign Service shall verify there are no grounds for forbidding or prohibiting their entry and shall make sure that the following requirements at least are complied with :

a) That documents are attached to the application substantiating their profession or trade, their marital status, the activities they intend to undertake in Chile, their financial standing, studies, contracts, as the case may be, for the visa required as well as any other certificates that are deemed necessary;

b) That reports from the appropriate authorities are issued to attest to their reputation;

c) A health certificate for the purposes prescribed in Section 26;

d) An affidavit whereby they undertake not to take part

whilst in Chile, in any internal politics or any acts which might constitute a nuisance for the Governments with which the country maintains friendly relations and to honor and comply with the Political Constitution, all laws and other regulations that prevail in the Republic's territory.

SECTION 16 : When a resident visa is granted, the Foreign Service officials shall issue three copies of a Consular Card, with such indications and characteristics as are established by the Ministry of the Interior through the Ministry of Foreign Affairs. This Consular Card shall contain the affidavit referred to in letter d) of the previous Section.

One copy of the Consular Card shall remain in the archives of the issuing Office and the remaining two shall be given to the holder thereof. These two copies shall be withheld by the Border Control Unit at the border and remitted to the Chilean Investigations Police and the Ministry of the Interior within 48 hours.

Regarding those nationals from countries that are bound to obtain a consular authority to enter as tourists and which are referred to in Section 88, and those aliens from countries where this authority is required because of reciprocity, the Ministry of the Interior and the Ministry of Foreign Affairs may order a special consular card to be completed.

If an alien should enter with a visa in his/her passport but without the consular card, he/she shall be required to fill up the forms provided by the border controlling officials, as a substitute for such card.

SECTION 17 : The visa shall be stamped into the alien's

passport and shall contain, at least, the following data: consulate's identification, that of the direct or dependent holder(s), visa number, type of visa, its validity, date granted and the Consul's seal and signature.

If it were an employment-based visa, the name of the employer and the educational center, if it is for a student resident, must be identified.

ARTICLE 3

BORDER CONTROL OF INTERNATIONAL PASSENGER

CARRIERS

SECTION 18 : All international passenger carriers shall:

1.- Refrain from carrying passengers bound for Chile who lack the proper documents that allow them to enter the country, in accordance with their corresponding type of entry;

2.- See to the foreign crew members of their vehicles refraining to stay in the country without due authorization;

3.- Make sure that their personnel comply with all legal regulations and those found in these Regulations;

4.- Re-embark, at their own expense in the shortest possible term and without any liability for the State, all passengers whose entry has been refused because they lacked proper documents. The same obligation shall exist with regard to those foreign crew members who remain inside the national territory without the proper documentation; and

5.- Refrain from leaving the country without all of the documents of its passengers and crew members having been checked by the border control authorities. The corresponding stamp and signature shall be left on record.

Carriers' agencies shall be jointly responsible for any noncompliance with these obligations.

SECTION 19 : All international passenger carriers arriving in the country or leaving it shall be subject, for the purposes of checking the documents of their drivers, to the border control of the police authorities mentioned in Section 4.

Whenever the border control authorities fail to allow a passenger to enter the country because of legal grounds that forbid or prohibit entry and they order a passenger's re-embarkation, they shall issue the corresponding carriers, whenever the latter so require, a document that certifies this circumstance.

SECTION 20 : Those passengers of an international carrier who, when attempting to enter the country, lack the proper documents, may be authorized by the border controlling authorities at the border to stay as passengers in transit in the following cases:

- a) When the country is but a technical stopover for the carrier;
- b) If the arrival in the country were due to unforeseen circumstances; and
- c) In the event the passenger or the carrier are incapable of continuing the trip due to force majeure.

The term authorized for them to stay shall be that strictly necessary to leave the country. The documents they are carrying shall be withheld and replaced with a special card evidencing their status as passengers in transit. For this purpose, both the fare and the proper documents shall be required to continue

the trip.

Any expenses the stay, border control and exit might involve shall be borne by the corresponding carrier.

SECTION 21 : Only the personnel who are undertaking this border control as well as other officials who have to inspect and discharge the duties they have been assigned by law shall remain on the premises where all the documents are checked of all passengers entering or leaving the country, whenever this inspection is not done on board the vehicle.

At the request of the border control authorities, all police and security officials who are working on the premises where checks are undertaken shall make sure that non-authorized people are kept without these premises.

SECTION 22 : Whenever documents are not controlled on board the vehicle, the place appointed to such end shall be considered as an extension of such vehicle.

SECTION 23 : Checking passengers' documents on board seagoing vessels shall be governed by the following rules :

1.- The shipping companies, their representatives or agents shall notify the border control authorities, 24 hours beforehand at least, the arrival or departure of the vessels they represent, specifying their place of origin or destination, their registration number, number of passengers and the estimated time the vessel shall dock or sail:

2.- Also, these companies shall, whenever necessary, provide controlling authorities with access for receiving and dispatching these vessels;

3.- The inspection and border control of documents on

arrival of the vessels shall be done on board them and only upon completion of this job shall the passengers and crew be allowed to disembark;

4.- The captain of the vessel or the representative from the corresponding agency, as the case may be, shall submit to the border control authorities a list of all passengers it is carrying and the crew manifest, so that, in accordance with these papers, the proper controls can be undertaken;

5.- Whatever tourist cards are granted to the passengers of vessels anchoring in Chilean ports shall be taken away by the authorities at the last port of call in Chile. The corresponding shipping company shall be responsible for returning such cards to the authorities;

6.- Those passengers who arrive at Chilean ports which are not their destination, due to special circumstances beyond their control, shall be subject to special border control and supervision measures adopted by the corresponding border control authorities, so as to prevent them from disembarking without having complied with the requirements established in these Regulations. Nonetheless, they may exceptionally allow passengers to disembark subject to conditions and procedures set forth in Section 20.

Regarding the crew, they shall be governed by the provisions in Section 70, paragraph 2.

SECTION 24 : Checking the documents of the passengers and crew of aircraft shall be undertaken in accordance with the following rules :

1.- It shall be done at the airports equipped for

international services, except in the case of emergencies, where it shall be done at such place as the border control authorities may appoint;

2.- Air carriers shall hand over to the border control authorities a list of arrivals and departures of their aircraft, which list shall be kept up to date;

3.- Prior to the arrival of their aircraft in the country, air carriers shall notify the border control authorities, whenever the latter so require, the number of passengers they are bringing into Chile, whether they are in transit or bound for Chile. They shall also provide identification of some of them, with an indication as to their embarkation place, whenever this is requested in writing;

4.- The captain of the aircraft or the official appointed by the corresponding air carrier shall hand over to the border control authorities, prior to the passengers and crew disembarking, two copies of the general manifest which contains the number of passengers they are carrying into the country and the crew list. The moment the passengers enter or leave the national territory, they must be in possession, if applicable, of a "boarding card" provided by the corresponding air carrier;

5.- The general manifest shall be handed over by the air carriers to the border control authorities at least one and a half hours prior to the departure of the aircraft. Whenever the Chilean Investigations Police so require, air carriers shall hand to it, the moment their aircraft enter or leave the country, the passenger lists with whatever indications and notes they are asked to make. Once they declare the flight closed, no

further passengers shall be allowed to embark without the express permission of the border control authorities;

6.- The border control authorities may appear on board the aircraft prior to the passengers and crew disembarking to undertake whatever inspections and checks they consider necessary; and

7.- When an aircraft that has been dispatched cancels its departure for any reason whatsoever and the foreign passengers must remain for a greater length of time inside the country, the border control authorities shall make the necessary annotations in their documents, and grant them a voucher for subsequent exit. Any passengers in transit wishing to leave the airport premises, shall have, whenever necessary, the special card mentioned in Section 20.

SECTION 25 : The border control of the documentation of passengers who undertake international rail or road trips shall be done in accordance with the following rules :

1.- The railway companies shall hand over to the border control authorities, at least 24 hours prior to the departure from the country, a list in duplicate of all the passengers they are transporting, with whatever indications they are asked to submit;

2.- The same shall apply to drivers of international land carriers or their agents or representatives;

3.- Checking the documents of passengers entering and leaving the country on international trains shall be done on board them. The border control authorities shall be carried free of charge whenever they are traveling on duty;

4.- The vehicles of passenger land carriers shall stop at the places the authorities may appoint, in order to check all documentation and undertake whatever inspections that have to be made. The drivers shall cooperate with the authorities so that no passenger eludes this inspection and control and carry the border control authorities free of charge whenever they are traveling on duty; and

5.- Whenever aliens enter the country with a vehicle, the customs authorities shall indicate in the tourist card that it has been admitted temporarily. These persons may not leave the country without that card, unless they have the necessary authorization from the National Customs Service.

The Chilean Investigations Police shall be informed of all temporary admissions so that it might make the corresponding annotations the moment it grants a duplicate of said card. This notification must also be made regarding any changes to the holder of the aforementioned admissions and authorizations.

ARTICLE 4

ENTRY RESTRICTIONS AND PROHIBITIONS

SECTION 26 : The following aliens are forbidden from entering Chile :

1. Whosoever spreads or disseminates by word or in writing or in any other way, any doctrines that are aimed at destroying or altering, through violence, law and order in the country or its government; people accused of being or reputed to be agitators or activists of such doctrines and, in general, whosoever acts in such a way that qualifies under Chilean law as being in breach of external

security, national sovereignty, internal security or public law and order in Chile and whosoever undertakes any acts which are contrary to the country's interests or which represent a danger for the State;

2. Whosoever is involved in the illicit trade or trafficking of drugs or firearms, smuggling, white slavery trade and, in general, whosoever undertakes any activity which is immoral or is liable for moral turpitude;

3. Whosoever is indicted or has been sentenced for any offences which qualify as crimes under Chilean law or who is fleeing from justice for non-political offences;

4. Whosoever does not have or cannot undertake a profession or trade or whosoever lacks the resources allowing him to live in Chile without becoming a burden on the State;

5. Whosoever is suffering from any disease or illness which the Chilean health authorities deem as being reasonable grounds for denying entry into the country;

6. Whosoever has been deported or forced to leave the country by Executive Decree without the corresponding Decree having been repealed;

7. Without prejudice to the provisions in N° 4 of the next Section and also in Sections 57 and 166, whosoever does not comply with the entry requirements established in Decree Law 1,049 of 1975, as amended, and in these Regulations.

8. Whosoever having perpetrated any of the offences mentioned in paragraph one of Section 145 and Section 146,

and regarding which the criminal acts or the corresponding sentence, as the case may be, had been lapsed; provided they are outside the country.

SECTION 27 : The following aliens may be forbidden from entering Chile :

1. Whosoever has been sentenced or is currently convicted for any offence which qualifies under Chilean law as ordinary offences,
2. Whosoever has left Chile by order of the Government and who is not included under N°6 of the previous Section;
3. Whosoever has been deported from any other country by the appropriate authorities; and
4. Minors under the age of 18 who arrive in Chile not accompanied by their father, mother or guardian and lack the necessary written authorization from any of the latter or from an appropriate tribunal, duly ratified by the Chilean authorities.

SECTION 28 : The Ministry of the Interior shall prohibit entry into the country of aliens who are subject to the situations mentioned in Sections 26 and 27 of these Regulations.

For the purposes of the foregoing paragraph, the State's official bodies, the Ministry of Foreign Affairs, the Chilean Investigations Police, national security bodies, Regional and Provincial Governors shall all provide the Ministry of the Interior with information regarding any aliens who have visited Chile and whose re-entry into the country is considered unwise, as well as all those concerning whom unfavorable reports are available and whose entry into Chile is thought to be

undesirable.

The entry restriction or prohibition shall be announced by means of an administrative decision signed by the Under-Secretary of the Interior "By Order of the President of the Republic" and enforced by the border control authorities established in Section 4 of these Regulations. Such decision may be suspended or revoked by operation of law or at the request of the party involved, by submitting the relevant application to Chilean Consulates abroad.

Furthermore, the entry into the country of any aliens may be forbidden by Executive Decree for reasons of national interest or security.

SECTION 29 : Without prejudice to the provisions in the foregoing Section, the border control authorities shall be bound to refuse the entry of any aliens subject to the situations prescribed in Sections 26 and 27 upon due consideration of the information they have in their possession, the one kept in their archives and the records and/or the information channeled through the International Criminal Police Organization (INTERPOL).

The border control authorities shall inform the Ministry of the Interior of any prohibition measures that have been adopted at the request of other bodies or on their own behest, in accordance with the foregoing paragraph. That Ministry, in the event these measures are confirmed, shall proceed to draft the Resolution or Decree referred to in the previous Section.

Any aliens affected by the resolutions referred to in the foregoing paragraph and the ones drafted in accordance with the

provisions of Section 28, shall be forbidden from entering the country until such time as such resolutions have been revoked, unless they have been adopted for a certain period of time. The Ministry of the Interior shall keep its records up to date.

Whatever Resolutions or Executive Decrees for forbidding entry are drafted shall be communicated to the border control authorities for due enforcement thereof, as well as to the Ministry of Foreign Affairs, so that Foreign Service officials may refrain from granting visas to the persons affected. If a visa were to be granted, the measure for forbidding entry into the country shall continue to prevail.

SECTION 30 : Any aliens who have entered the country despite being subject to any of the prohibitions mentioned in Section 26, or who, whilst residing in the country, incur in any of the acts mentioned in N° 1, 2 or 4 of the same Section, may be deported from the country, and be imposed any applicable punishments under Chapter VIII of these same Regulations.

CHAPTER II

RESIDENTS

ARTICLE 1

OFFICIAL RESIDENTS

SECTION 31 : All diplomatic and official visas shall be granted in Chile by the Ministry of Foreign Affairs, and abroad by the Diplomatic Missions and by the Consuls, as the case may be, in the manner established in the corresponding Regulations of said Ministry. These visas shall be free of charge.

Official residents shall mean members of the Diplomatic and

Consular Corps accredited before the Government of the Republic and of international agencies recognized by Chile to whom diplomatic or official visas shall be granted.

This same type of visa shall be issued to the members of their household, administrative and service staff and to such other persons as are determined in the Regulations referred to.

SECTION 32 : Official residents may stay in Chile in this status until such time as their tours of duty in the country have been completed, which fact shall be communicated in writing by the corresponding diplomatic or consular representation, the national or international agency they are rendering service to, to the Ministry of Foreign Affairs within 15 days following the completion of their tour of duty.

The official resident's tour of duty and the duties of the administrative and service staff holders of the same visa shall be terminated upon ceasing to work at the Embassy, Consulate or national or international agency based in the country.

At the end of the tour of duty the holder of the diplomatic or official visa is undertaking in the country, the visa granted to his household and administrative and service staff who were privately dependent upon him/her shall also expire. In any event, if they wish to continue living in Chile, they shall apply to the Ministry of the Interior for a change in their visa or permanent residence permits, as the case may be.

SECTION 33 Official residents, to the exclusion of the administrative and service staff, may apply, at the end of their respective tours of duty, for permanent residence permits.

The administrative or service staff may apply at the end of

their duties for an employment-based resident visa or temporary resident visa and, in the event that those duties end after one year's residence in Chile, for permanent residence permits.

SECTION 34 : Official residents may not undertake any gainful activities other than the duties or work they do, unless they are doing their official duty *ad honorem*. These restrictions shall not apply to those aliens from countries that are found in the situations prescribed in Bilateral Treaties or Conventions that authorize the undertaking of gainful activities.

The kind of diplomatic and official visas to be granted, the time aliens are authorized to stay in the country, exit and re-entry, registration and border control of the holders of those visas, shall be dealt with in the regulations that are drafted by the Ministry of Foreign Affairs.

The Ministry of Foreign Affairs shall notify the Ministry of the Interior when diplomatic and official visas are granted to any aliens, be they granted abroad or to persons living in Chile in the capacity of tourists or residents, specifying in each case the duties or missions they are undertaking. The latter Ministry shall bring all of this information to the attention of the Chilean Investigations Police.

The legal status of residence dealt with in these Regulations shall be automatically revoked where aliens should subsequently obtain official resident visas.

ARTICLE 2

EMPLOYMENT-BASED RESIDENTS

SECTION 35 : An employment-based resident visa shall be

granted to those aliens traveling to the country in order to fulfil an employment contract. This visa may also be granted to any alien living in the country and wishing to settle with the same purpose.

The same type of visa shall be granted to the spouse, parents and children of both or any of them, provided they are dependent household members of the visa holder. These dependent holders are not allowed to undertake gainful activities in the country.

SECTION 36 : The following conditions shall be taken into account when granting an employment-based visa :

a) The company, institution or employer shall be legally domiciled in the country;

b) The employment contract shall be signed in Chile before a Notary Public by the employer and the worker or whosoever represents him/her. If it were to be entered into abroad, it shall be signed by the same parties before an appropriate diplomatic or consular official, and be duly legalized by the Ministry of Foreign Affairs, according to the procedure establish in Section 345 of the Civil Procedure Code, as applicable;

c) When dealing with professionals or specialized technicians, they shall certify such status by submitting a duly certified diploma. Otherwise, they shall prove their skills and know-how in any specialty by submitting a work Certificate or any other documentary evidence;

d) The undertaking of the profession, activity or trade for which they have been hired shall be essential or necessary

for the country's development. For this purpose, a report from the corresponding Association or Technical or Professional College or from the appropriate Official Agency might be required;

e) The activities they shall undertake in Chile shall not be considered dangerous or pose a threat to national security. If there were any doubt as to the nature of the work the applicant is to undertake in the country, the Ministry of National Defense shall be consulted; and

f) It shall also be checked that both hiring and the contract fall into line with the applicable labor and social security general conditions.

SECTION 37 : The employment contract that is attached for obtaining the visa shall mention, at least, the following : place and date of subscription; name, nationality and domicile of the contracting parties; marital status, profession or trade and place of origin of the employee; nature of the work to be undertaken in Chile; working timetable and workplace; specification of his/her compensation in local or foreign currency; the employer's obligation to pay the corresponding income tax for any compensation paid; duration of the contract and the date activities shall commence.

It shall also contain a special clause by virtue of which the employer undertakes to pay to the employee and other members of his/her household, the return fare to their country of origin or whatever country they may have agreed upon. Any guarantee deemed necessary for securing such payment may also be required.

SECTION 38 : The employer's obligation to pay the return

fares shall subsist until - upon the corresponding contract having terminated and a final settlement having been made - the alien leaves the country or obtains a new visa or a permanent residence permit.

Nevertheless, in the event of early termination of the contract, should the alien need to continue staying in Chile, the Ministry of the Interior shall provide, in exceptional cases, that the obligation of the employer shall subsist for a reasonable period.

In this event, the affected party shall, by operation of law, be granted a temporary resident visa for whatever time is necessary, not to exceed 90 days. At the end of this period, he/she shall leave the country or submit a new application for a resident visa.

SECTION 39 : The employment-based resident visa shall remain in force for up to two years and may be extended for similar periods. If the term is not specified in the passport, it shall be understood that it is valid for the maximum period.

All in all, the termination of the contract which has served as the basis for granting the visa shall bring about the expiration of the employee's visa, as well as of those granted to the members of his/her household, regardless of the holders being entitled to apply for new ones or permanent residence permits, if applicable.

When there are circumstances that bring the employment contract to an end, the employer shall notify this fact to the Ministry of the Interior in Santiago and the Regional and Provincial Governors in the regions and provinces (Amended by

Executive Decree No. 2,910/2000).

The contract shall not be deemed as terminated where, according to the provisions in the Labor Code, there is working continuity. (Added by Executive Decree No. 2,910/2000).

SECTION 40 : The holder of an employment-based resident visa who completes 2 years' residence in the country under such status may apply for a permanent residence permit.

In the event a new employment-based resident visa were to be applied for, the alien shall attach to his application the corresponding employment contract, with the specifications in Section 37 and the final settlement of wages that had been signed with his/her previous employer. In the absence of such settlement, he/she shall submit a document issued by the competent administrative or judicial authority evidencing the termination of the labor relation. In such a case, the provisions in Section 36 shall prevail (Amended by Executive Decree No. 2,910/2000).

SECTION 41 : All foreign entertainers wishing to perform in Chile shall seek the corresponding authorization from the appropriate authorities - i.e. the relevant employment-based visa or permit for the event - be this for charity, free of charge or remunerated.

The hiring of foreign entertainers may only be done by companies or persons who have been previously authorized by the Ministry of the Interior, save for those who perform free of charge at the behest of public or private institutions, which situation shall be evaluated by the Ministry of the Interior or the corresponding Provincial Governors.

All in all, the hiring and performances of foreign entertainers shall comply with the requirements and conditions laid down in whatever instructions said Ministry issues, as well as the special conditions under which an employment-based visa shall be granted and the general rules regarding the work and control of entertainers.

All applications for visas, permits or authorizations for entertainers to work in Chile may be rejected and those issued revoked at any time, when it is deemed that the entertainer's performance is immoral or offensive or does not contribute to the country's culture.

SECTION 42 : An employment-based resident visa may be granted free of charge, the submission of the written contract being omitted, provided the following requirements are complied with :

a) That it is entertainers, scientists, professors, writers and, in general, persons of special relevance in the cultural world or personalities we are dealing with;

b) That they are sponsored by public or private institutions of known solvency; and

c) That their activities are charitable, educational or for extension purposes.

This type of visa may be granted free of charge to those aliens who take part in exhibitions, trade fairs or any other type of public industry, art and science-related events aimed at encouraging production or commercial or cultural exchange between other countries and Chile. **(Amended by Executive Decree 3,908/95)** .

SECTION 43 : The granting of an employment-based resident visa to alien sports persons shall be governed by the provisions in the first paragraph of Section 41 and, when dealing with qualified sports person or persons under Section 42, the visa or permit shall be granted free of charge.

The provisions of the foregoing paragraph shall not apply to those amateur sports persons who take part in any type of sporting event in the country.

To grant an employment-based visa to those alien sports persons who have agreed to appear in remunerated performances in the country for a period exceeding 30 days, the contract may be required to be authorized by the General or Regional Sports and Recreation Board.

The performance in Chile of foreign sports persons, their contracting and the control of their activities shall be governed by the applicable general instructions issued by the Ministry of the Interior.

SECTION 44 : The Chilean Investigations Police or the Uniformed Police of Chile, as the case may be, shall control the performances of entertainers and sports persons subject to a contract. They shall supervise their performances and the conduct of the contracting parties so as to verify that they abide by the provisions of these Regulations and the instructions issued by the Ministry of the Interior.

ARTICLE 3

STUDENT RESIDENTS

SECTION 45 : Student resident visas shall be granted to

aliens traveling to Chile to study as a regular student in a State educational establishment or a private institution recognized by the latter, or in higher or specialized educational centers or institutions, provided they can substantiate their corresponding enrollment.

Likewise, they may be granted to aliens who, living in the country, certify that they have enrolled in any of these establishments, as well as to the household group dependent upon the holder.

Such a visa shall be valid for a term not to exceed one year and may be renewed for similar successive periods, free of charge. Aliens with a scholarship shall be granted a visa for the time the scholarship lasts.

To obtain an extension to this visa, aliens shall attach an attendance certificate to their application and certify, if they are not on a scholarship, that they are receiving a regular income for their subsistence.

SECTION 46 : Student residents may not undertake any gainful activities in the country, except those they undertake as practicum. This same restriction shall apply to whosoever is a dependent.

The Ministry of the Interior or Provincial Governors, upon consideration of a report by the Chilean Investigations Police, may authorize aliens to undertake gainful activities as self-employed persons or as employees whenever this is necessary to pay for their studies. These authorizations shall be subject to a fee equal to 50% of the cost of an employment-based resident visa.

SECTION 47 : The student resident having some of the qualifications mentioned in Section 102 of these Regulations and who has been resident for over one year in Chile may apply for any other visa established in these Regulations.

Student residents may apply for a permanent residence permit at the completion of their studies, provided they have resided at least two years in the country.

Study completion shall mean the award of a professional or technical degree or the obtention of the school leaving certificate, if completing his/her secondary studies (Added by Executive Decree No. 2,910/2000).

SECTION 48 : The chancellors and directors of public and private educational institutions shall be bound to submit to the Ministry of Public Education, at the end of the enrollment period, a list of foreign students who have enrolled with them. They shall also inform within 15 days of any alien students enrolled with them who have failed, withdrawn or been expelled from their institutions. Such lists shall be remitted to the Ministry of the Interior, which, in turn, shall place them at the disposal of the Chilean Investigations Police for the corresponding border controls.

ARTICLE 4

TEMPORARY RESIDENTS

SECTION 49 : A temporary resident visa shall be granted to aliens intending to settle in Chile, provided that they prove having family ties or any other interests in the country or that their residence is deemed useful or advantageous.

This same type of visa may be granted to the members of their household, i.e. the spouse, parents, or children of either or both of them, living as dependents, and they may not engage in any gainful activity in the country.

The holders of this visa may undertake any type of legal activities in the country.

SECTION 50 : For the purposes of the foregoing Section, "family ties" shall mean any of the conditions mentioned in numbers 1 to 4 of Section 102.

The residence of aliens in Chile shall be deemed useful or advantageous and their activities shall be deemed of interest for the country, when dealing with :

a) Businessmen, investors, tradesmen, financiers, and in general any business people traveling to Chile for periods exceeding 90 days as a result of their activities or interests in the country;

b) Scientists, researchers, academics, lecturers, professors, professionals, technical experts whose admission is required by domestic corporate bodies or sponsored by International Agencies recognized by the Government of the Republic or who travel for over 90 days in accordance with the stipulations contained in contracts entered into by domestic or foreign institutions or companies, Assistance, Technical Cooperation, Technology Transfer and Skilled Human Resources Agreements;

c) Journalists or professionals working in the mass media traveling to Chile as a result of their job; who, prior to undertaking their professional mission, shall become accredited

with the National Mass Media Division of the Ministry Secretary General of the Government; **(Amended by Executive Decree 1419/86)**.

d) The members of a religious order, church or recognized congregations in the country who come to undertake religious, educational or aid activities;

e) Whosoever can prove that he/she has come to undergo treatment in a specialized health establishment; and

f) Any others who are duly stipulated by the Ministry of the Interior and the Ministry of Foreign Affairs, as the case may be.

SECTION 51 : Any children born in Chile of aliens in transit, and the children of a Chilean father or mother born abroad, shall be entitled to a temporary resident visa. The latter shall be granted it for the time strictly necessary for them to comply with the requirements to take up residence.

The foreign spouse of a Chilean national who is granted a Chilean passport or who is included in his/her spouse's passport in order to enter the country, shall be treated as a temporary resident for the purposes of these Regulations.

The foreign spouse of Foreign Service officials who have entered the country with a diplomatic or official passport may apply for a permanent residence permit prior to completing their term of residence in Chile stipulated in Section 82.

A temporary resident visa may also be granted to those aliens returning to the country after having been absent for a period not longer than five years, provided they had stayed previously in Chile as residents for at least one year or,

having had a permanent residence permit, this permit had been automatically revoked in accordance with these Regulations.

SECTION 52 : A temporary resident visa shall be valid for a maximum of one year and may be extended once only for a similar period. If the period is not mentioned in the passport, it shall be understood as being the maximum one.

The holder of a temporary resident visa who has completed a one-year residence term may apply for a permanent residence permit and if he/she completes two years' residence in Chile, he/she shall be bound to do so. Otherwise, he/she shall leave the country.

Notwithstanding the provisions in the foregoing paragraph, any temporary resident who has extended his/her visa for a period of one year and who fails to qualify for a permanent residence permit due to noncompliance with the terms mentioned in Section 82, shall apply for a new extension for a period less than one year strictly necessary for availing him/herself of that benefit. **(As amended by Executive Decree 828/94)**.

ARTICLE 5

POLITICAL ASYLUM AND REFUGEES

SECTION 53 : A resident visa with political asylum shall be granted to those aliens who, to safeguard their personal security and because of any political circumstances existing in their country of residence, have, out of necessity and forcibly, to leave it and are bound to seek asylum in a Chilean diplomatic mission.

SECTION 54 : The Head of the diplomatic mission may grant

asylum to whomsoever requires it in view of their personal security, when in danger of being deprived of their life or freedom, for reasons of political persecution and for inability, without imminent risk, to place themselves out of danger in any other way.

In any event, this asylum shall be provisional.

SECTION 55 : Once this provisional asylum has been granted - which asylum shall be considered only as an appeal not as a right - the Ministry of Foreign Affairs shall examine all the background information and circumstances of the case. By mutual consent with the Ministry of the Interior, it shall decide whether to accept or reject the request for asylum and the granting of the corresponding visa.

To grant political asylum, all International Conventions on the matter which have been subscribed by the Government of Chile shall be taken into account.

SECTION 56 : When provisional diplomatic asylum has definitely been ratified, the corresponding visa shall be granted, which shall be stamped into the passport, safe-conduct or any other document the alien is submitting, or that which, for this purpose, is granted.

The same visa shall be extended to all members of his/her household who had obtained, like him/her, diplomatic asylum.

SECTION 57 : A resident visa with political asylum may be granted to those aliens who, for the reasons stated in Section 53, are forced to leave their country of residence and unlawfully enter the national territory, either directly from that country or in transit through another country. In this case

they shall be bound to appear before the controlling authorities within 15 days after entering to apply for this benefit.

Within a period of 10 days after having come before the aforementioned authorities, they shall apply in writing for the corresponding visa, giving the reasons for their being persecuted, their personal details and the means of transport they had used. At the same time, they shall declare their true identity should they lack any documents to prove it or state that the identity document or passport they are submitting is authentic. If it were to be established that such document is not authentic and they had failed to so declare, they shall be subject to the punishments established in these Regulations.

SECTION 58 : Once the alien who had unlawfully entered the country in order to seek political asylum has come before the controlling authorities, the latter shall immediately notify this fact to the competent regional authorities as well as the Ministry of the Interior. This Ministry, upon consideration of a report by the Chilean Investigations Police, shall decide whether to grant him/her the visa applied for or to reject it.

SECTION 59 : Whilst the application is being decided, the aliens shall remain where they entered the country or came before the competent authorities - subject to such surveillance and control measures as are necessary in the opinion of the authorities - or else be taken to the place the Ministry of the Interior may decide.

Whenever there are reasonable grounds to fear that these aliens might evade the surveillance and control measures that have been put in place or fail to submit whatever background

information is needed for their full identification, they may be kept in custody for up to 15 days. The Ministry of the Interior may order this same measure for reasons of security or necessity.

SECTION 60 : This visa may also be granted to those aliens within the country who, for political reasons arising in their country of origin or their usual place of abode - which fact shall be duly verified by the Ministry of the Interior - are prevented from returning thereto.

SECTION 61 : The resident visa with political asylum shall be valid for a maximum of two years. If no term is specified in the corresponding document, its validity shall be understood as being the maximum one.

This visa may be extended indefinitely for similar periods, provided the circumstances which justified political asylum persist. In the event they disappear, it may be exchanged for any other visa dealt with in these Regulations.

All residents with political asylum may apply for a permanent residence permit once they have been resident in the country for two years.

If warranted, the resident visas with political asylum may be granted free of charge.

SECTION 62 : The holders of a resident visa with political asylum or a refugee may undertake any gainful activities or any other activities compatible with their status. The Ministry of the Interior may allow them to work whilst the granting of their visa is being resolved. This authorization shall be granted free of charge.

Aliens seeking political asylum or refugees may not undertake any activities that, either directly or indirectly, are contrary to the Government of the country. Any breach of this stipulation shall be grounds for revoking their visa and cause their deportation.

SECTION 63 : The Chilean Investigations Police shall keep a special register of all aliens with political asylum, updating their domiciles and the activities they undertake. They shall also be subject to whatever controls the Ministry of the Interior may determine. **(Amended by Executive Decree 2518/97)**.

SECTION 64 : The Fact-finding Commission, established in Section 40bis of Decree Law N° 1,094 of 1975, hereinafter referred to as the Commission, shall consist of the following members:

a) The Head of the Aliens and Migration Department of the Ministry of the Interior or whosoever he appoints;

b) A representative from the Ministry of Foreign Affairs appointed by that Ministry;

c) Two representatives from the Ministry of the Interior, one of whom must belong to the Aliens and Migration Department and act as the Commission's Secretary. They shall be appointed by the Under-Secretary of the Interior and so shall their alternates.

The Commission shall be chaired by the member mentioned in letter a) above, transact business with at least three members and submit its recommendations to the Under-Secretary of the Interior.

The Commission shall be empowered to request whatever

background information it needs from the pertinent public bodies for complying with its advisory task.

The Commission is authorized to draft such rules as are necessary for regulating its internal affairs. **(Amended by Executive Decree 2518/97)**.

SECTION 65 : All refugees and persons with political asylum who lack a valid passport or any other suitable identity document that allows them to leave the country and enter a foreign country, shall be entitled, upon authorization from the Ministry of the Interior, to have a travel document for aliens issued by the Civil Registration and Identification Service which allows them to leave the country and re-enter it subject to the legal and statutory regulations in force.

The Ministry of the Interior may, for reasons of law and order and national security or because of the applicant's failure to sufficiently establish his/her identity, refuse to issue the travel document or revoke the one granted. In this case, the holder shall return the document to the Ministry of the Interior. **(Amended by Executive Decree 2518/97)**.

SECTION 66 : For the purposes of granting this visa to refugees, a "refugee" shall mean a person being in any of the situations foreseen in the International Conventions subscribed by the Government of Chile.

The acknowledgement of refugee status and granting of territorial asylum, as well as the rejection of the application, shall be stated in a Resolution signed by the Under-Secretary of the Interior "By Order of the President of the Republic".

Likewise, termination of the refugee status or that of the asylum shall also be stated in a Resolution. **(Amended by Executive Decree 2518/97)**.

ARTICLE 6

CREW MEMBERS

SECTION 67 : Aliens who are the crew members of seagoing vessels, aircraft or land or rail transport vehicles engaged in the international carriage of passengers and cargo, shall be considered for the purposes of these Regulations as residents having the special status of crews and shall be subject to all the regulations contained in this section. The foreign members of the crews of seagoing vessels which undertake the transport of cargo between domestic ports shall also be considered as such.

Moreover, the members of the crews of naval and special vessels operating in territorial waters, according to the definitions contained in Decree Law N° 2,222 of 1978 shall also have this status. For this purpose, naval vessels shall mean all those engaged in activities which supplement maritime activities or the exploitation of maritime resources, such as floating docks, cranes, barges, dump scows, flat barges, pontoons, fixed or floating platforms, rafts or any other similar devices. Special vessel shall mean that used in services, works or specific tasks suited for the duties for which they were built, such as tugs, ferries, fishing vessels, dredges, scientific or leisure ships, etc.

SECTION 68 : Any alien who is a person working on

international transport craft or naval devices referred to in the previous Section shall be considered as a member of their crews, irrespective of their nationality, provided they are included in the corresponding crew manifest or the general manifest that has to be submitted to the border control authorities.

SECTION 69 : All foreign crewmembers shall be in the possession of the proper documents to establish their identities and status as such. Such documentation may be : passport, crew card, professional license or any other valid document that has been granted by the appropriate authorities or in accordance with International Conventions.

SECTION 70 : The moment they enter the country, the border control authorities shall grant all foreign crew members a special document that shall be called a "CREW CARD" wherein they shall fix the time they are authorized to stay in the country, which may not exceed 30 days.

This card shall also be granted to all foreign crew members engaged in international carriage of passengers and cargo, vessels, special and naval vessels whose destination is a country other than Chile and whose entry into the country is the result of exceptional circumstances or force majeure. In these cases, the card shall be granted for a period not exceeding 72 hours, upon the border control authorities withholding the personal documentation they bear.

The crew card shall be taken away by border control authorities on duty the moment the vessel or craft leaves the last port of call, save for such cases as are prescribed in

letter a) of Section 72. **(Amended by Executive Decree N° 421 of March 30 1998)** .

SECTION 71 : All foreign crew members who are a part of the personnel of vessels engaged in coasting trade, special and naval vessels that arrive in Chile to undertake maritime works and have been granted permission from the Port Authorities, shall obtain from the Ministry of the Interior or the corresponding Provincial Governor, a special crew card whose holder shall be authorized to undertake the specific activities. Such card shall evidence their status whilst they remain in the country. A crewmember, in this case, shall mean any person who undertakes works of any kind, be it maintenance, navigation or any other related to the activity or business exploited by the relevant vessel, special or naval vessel.

Such card shall be issued at the request of the shipping company, owner or agent, as individual applications, signed by each member of the crew and for a period not to exceed one year. If it were granted for a shorter period of time, it may be extended until that term has been reached. These applications may be rejected and the authorization involved in the granting of this card revoked, in accordance with the provisions in Chapter VII of these Regulations.

For being granted this card, the holders thereof shall pay the fees corresponding to an employment-based visa, depending on their nationality. The holders of these cards shall be exempt from registering, obtaining a permit or safe-conduct and, when they definitely leave the country, if applicable, they shall be subject to the provisions in Section 114 of these Regulations.

SECTION 72 : The Ministry of the Interior or the corresponding Provincial Governor may authorize the stay in the country of the crew members of any international land, air or rail transport means, for a period ranging from 30 days to 6 months:

a) Of those who undertake frequent trips between other countries and Chile, in which case the corresponding card shall not be taken away by the border control authorities whilst it is still valid;

b) Of those who must continue to stay in the country because of illness, accident or any other unforeseen event;

c) Where the carrier cannot leave the country as a result of an accident, repairs, maintenance or force majeure, and

d) Of those left behind who for duly justified reasons have not re-embarked.

These authorizations shall be granted on the written application of the corresponding carriers and in the cases specified in letters b), c) and d), the corresponding carriers shall be responsible for all expenses incurred as a result of the longer stay of foreign crew members in the country.

SECTION 73 : Foreign crewmembers in general may obtain an employment-based visa or a temporary visa, depending on the interests involved or on the family ties that had been contracted in Chile or with Chileans.

Those crew members who have held an employment-based visa at least for a period of four years, or a temporary resident visa for at least two years, may apply for a permanent residence permit at the expiration thereof, without being restricted by

the terms for residence established in Sections 40 and 52, nor by the provisions in paragraph two of Section 82. (**Amended by Executive Decree 828/94**).

SECTION 74 : The captain or commander of the vessel, special or naval vessel or the driver of an international land or rail transport vehicle or the agents shall, where applicable, notify the border control authorities the names and other details of those crew members who have not re-embarked the moment the last port of call is left, so that such a person may be returned to his/her original crew or ordered to leave the country by any means of transport. In these cases, the border control authorities shall proceed, without further ado, to transfer the person left behind.

All traveling expenses and the corresponding police escort whilst the person is illegally resident, the deportation or departure from the country of foreign crewmembers left behind, shall be borne by the corresponding carriers.

SECTION 75 : The granting of a crew card to the members of air, maritime or land transport belonging to foreign armed forces or law enforcement officers shall be governed by the Treaties and Conventions that Chile has endorsed, by international reciprocity and the applicable instructions issued by the Ministry of National Defense.

SECTION 76 : The border control authorities may also grant a crew card to those aliens who enter the country to join the crew of their means of transport.

The interested parties shall, in this case, submit

documents issued by the carriers accredited in the country to evidence that they are or shall be a part of the crew of some sort of international means of transport. They shall identify the transport and the place of embarkation.

If dealing with the crews of vessels, special or naval vessels, such card shall be granted for the period established in Section 129 N° 3.

SECTION 77 : The border control authorities may authorize foreign crew members to leave the country at a point or with a means of transport other than that used for entering the country. This shall be justified with documents issued by the carriers they belong to. In any event, they shall leave the country within the term mentioned in the corresponding crew card or special crew card.

These aliens shall maintain their capacity as such until such moment as they leave the country.

ARTICLE 7

CHANGES IN RESIDENT STATUS AND ADMINISTRATIVE TRANSFERS

SECTION 78 : Those aliens who had obtained a resident visa in the capacities established in these Regulations may apply for a change of status. In such case, applications and favorable resolutions shall be extended to their dependents.

Also, those aliens who hold a resident visa as dependents may apply to change this visa for another.

The Ministry of the Interior shall decide on these applications provided their original residence status was still in force, the applicants comply with all legal and regulatory requirements for the residence they are applying for or they are

in any of the situations foreseen in Section 102.

Those aliens who remain illegally in the country may become residents, in any of the status referred to in the foregoing paragraphs of this Chapter, provided the authorities have enforced upon them an administrative punishment other than deportation and, regarding requirements, the provisions in the foregoing paragraph are complied with.

Any favorable decision on these applications shall bring about the expiration of the immigration documentation the aliens had previously held. They shall be bound to fulfil the obligations established in Chapter IV and the appropriate authorities shall extend the visa, charging whatever fee applicable, and make such amendments as are necessary to the corresponding records.

Those aliens whose applications are rejected shall keep their original residence status until such time as it expires, being allowed to make the corresponding renewals, except for those aliens referred to in paragraph 4 to whom the regulations contained in Chapter VII shall fully apply.

SECTION 79 Those aliens who had obtained a visa or any other residence benefits may - provided they still remain in force, and they are stamped into the passport or the document that replaces it, and which had been lost, destroyed or had expired - apply to the Ministry of the Interior, through the authorities who are empowered to grant them, for a transfer or a new passport or the document that replaces it.

The aforementioned transfers shall be done at the request of the applicant, upon issuance of a reasoned resolution, and

free of charge for the interested party.

Those aliens whose passport has been lost or destroyed or has expired abroad shall enter the country conditionally as tourists and shall declare their residence status to the border control authorities, which shall leave a record of these circumstances on the tourist card. Within 5 days from their entry, aliens shall apply for the corresponding transfers, without prejudice to the provisions in Section 86 of these Regulations and 66 N° 1 of the Consular Regulations.

The regulations of this Section shall apply to all persons referred to in Section 51 of these Regulations.

ARTICLE 8

PERMANENT RESIDENCE PERMITS

SECTION 80 : Permanent residence is the permit granted to aliens to live indefinitely in the country and undertake all kinds of activities, without any restrictions other than those established in all legal and regulatory bodies.

It shall be granted to those aliens who meet the requirements and conditions established in this Chapter, are not found in any of the situations described in Chapter VII and who comply, in every way whatsoever, with all the rules concerning procedure, administrative business and documentary sufficiency established in these Regulations.

Immigrants may obtain Permanent Residence when they have been 2 years' resident in the country.

Exceptionally, the Ministry of the Interior may grant as a privilege the permanent residence permit to those aliens who, being within the country and on the merits of all their

experience, are worthy of this benefit.

SECTION 81 : The application for permanent residence shall be approved by the Ministry of the Interior in a resolution. The holder shall be issued a certificate by the Aliens and Migration Department of that Ministry evidencing such circumstances. Moreover, the Ministry of the Interior may order that the Head of the Department referred to and/or the Governor of the province where the alien is domiciled leave a record in the holder's passport of the existence of such a permit, annotating the resolution and its number.

A copy of the resolutions of permanent residence and the corresponding certificates shall be remitted to the Chilean Investigations Police for their record and control.

The Ministry of the Interior shall keep a register of the permanent residence permit holders. For duplicates to be given, their validity shall be checked beforehand.

SECTION 82 : The granting of this permit to those aliens who are official residents or residents shall be subject to the periods of residence in the country that are mentioned in the pertinent rules in these Regulations.

"These periods shall be uninterrupted, it being understood that there has been no interruption when any absences by the interested party fail to add up to 180 days within the last year of the resident visa" **(Amended by Executive Decree 828/94)**

"In order to grant the permanent residence permit to aliens who hold a resident visa in the status as dependent it shall be necessary that the holder of the corresponding visa has complied with the period of residence required by law, irrespective of

the term of residence of the dependent. **(Amended by Executive Decree 3,553/96)**

SECTION 83 : Repealed by Executive Decree 828/94

SECTION 84 : Permanent residence shall be automatically revoked when its holder has remained outside the country for over one year.

The officials of the Foreign Service may extend the validity of a permanent residence permit of those aliens who, for reasons of study, illness or otherwise, are prevented from returning to Chile within the year, the pertinent record having to be stamped in a permanent residence certificate. This extension shall be applied for 60 days prior to its expiry.

Only as many as 4 extensions may be granted of the permanent residence permit, successively and each one valid for one year, which shall be calculated from the expiry date of the first period of validity.

Once an extension has expired, and a new one has not been obtained, the permanent residence shall be automatically revoked should the alien continue to remain outside the country.

In any event, if the alien extends the validity of his/her permanent residence, such extensions shall keep this permit fully in force for complete annual periods, from the date he/she left the country.

Revocation referred to in paragraph one shall not apply to alien spouses of Chilean Foreign Service officials (Added by Executive Decree 2,910/2000).

SECTION 85 : The holder of a permanent residence permit

who has lost the corresponding certificate prior to its expiry - which fact has to be sufficiently evidenced - shall be granted a document by the officials of the Foreign Service attesting to the truthfulness of these circumstances and to any application filed with them for the corresponding duplicate from the Ministry of the Interior.

In that document the extension of the permanent residence certificate may be stamped provided that the holder thereof has not received the duplicate referred to in the foregoing paragraph.

SECTION 86 : Foreign Service officials shall notify the Ministry of Foreign Affairs any extensions granted and this Ministry shall, in turn, notify the Ministry of the Interior for their annotation and for the register established in Section 81, final paragraph, to be updated. It shall notify the Chilean Investigations Police these acts for the purposes laid down in paragraph 2 of Section 81.

For controlling the validity of permanent residence permits and the issuance of duplicates of this permit on the request of the party affected, the Ministry of the Interior shall ask the alien to produce evidence on the trips made abroad, by submitting either a report or certificate issued by the Chilean Investigations Police or his/her passport (Amended by Executive Decree 2910/2000).

In order to issue the report or certificate referred to above, the Chilean Investigations Police shall consult its border records and take note of the trips within a period of up to 6 years prior to the date the corresponding certificate was

requested. (Amended by Executive Decree 2,910/2000).

Should there be any doubts or any omission or inconsistencies be detected in the trips undertaken, the alien may be required to provide additional information. (Amended by Executive Decree 2,910/2000).

If it were established that the permit was no longer valid, the alien shall be considered as an illegal resident or offender, being punished accordingly. (Amended by Executive Decree 2,910/2000).

ARTICLE III

TOURISTS

SECTION 87 : Those aliens who enter the country in the pursuit of leisure, sports, health, studies, business affairs, family business, religion or otherwise, not for immigration, residence or for undertaking any gainful activity, shall be considered as tourists.

All tourists shall certify, when the border control authorities deem it necessary, that they have sufficient financial means to subsist during their stay in the country.

Tourists may stay in Chile for a period not to exceed 90 days. The border control authorities may exceptionally limit the stay of any alien to a shorter period and in this case the interested party may obtain from the Ministry of the Interior or the corresponding administrative authorities an extension thereof. This administrative business shall be exempt from any fee.

SECTION 88 : To enter Chile, tourists shall be in the possession of a passport or any other similar document granted

by the country of which he/she is a national, without a consular visa.

In order to enter as tourists, the nationals of countries with which Chile does not have any diplomatic relations shall have their passports registered or a consular authorization granted by the Chilean authorities abroad or whosoever represents them. Prior to the granting thereof, they shall be required to show a return ticket to their own country or to any other country they are permitted to enter.

Stateless persons may enter as tourists, provided they are in possession of the passport issued by their country of origin or by some international agency recognized by Chile, bearing the Consular record and complying with any other requirements established in the foregoing paragraph.

All in all, by virtue of the conventions and treaties signed by the Government of the Republic, all aliens shall be allowed to enter the country as tourists provided they comply with the requirements prescribed in such treaties and Conventions.

SECTION 89 : Nevertheless, for reasons of national interest or international reciprocity, the obligation may be established by Executive Decree signed by the Ministry of the Interior that all aliens obtain the registration or the certificate established in the previous Section in order to enter Chile as tourists.

In cases included in the foregoing paragraph and in Section 88, the Chilean authorities abroad or whosoever represents them, may extend the registration of the passport or a consular

certificate, for any period up to 6 months, in which case, this administrative business shall allow the alien to freely enter as a tourist as many times as he/she may wish during that period. These authorities shall leave on record the period for which the registration or certificate is valid in the alien's passport. Should compliance with this obligation be omitted, it shall be understood that this administrative business is only simple and not multiple, authorizing one sole entry into the country after it has been issued. For this purpose, for the first entry into the country, the provisions set forth in Section 14 shall prevail.

Registration or the multiple consular certificate shall be subject to a fee equivalent to US\$ 8; however, those nationals from whatever countries as are determined by the Ministry of the Interior and Ministry of Foreign Affairs may be exempt. For issuing them, the competent authorities shall obey the instructions that are established jointly by these Ministries. However, it shall be an essential requirement that the aliens certify, at least, their financial standing, commercial activities, business or financial affairs or organized tourist trips that, due to the characteristics of the tour they are a part of, imply a minimum of two entries into the country.

The holder of the passport registered or of simple or multiple certificates shall be governed by the rules in Chapter III "Tourists" and/or any Treaties or Conventions signed by Chile for the entry of aliens as tourists.

SECTION 90 : Besides the documents mentioned in previous Sections, all tourists shall be in possession of the health or

vaccination certificates the Chilean health authorities might require.

SECTION 91 : The Ministry of the Interior may require, in a reasoned resolution and on its own initiative, and/or upon consideration of a report by the Ministry of Foreign Affairs or the National Tourist Board, that all tourists enter the country in possession of a valid identity document granted by the country of which they are a national or in which they have their usual place of abode, in the following cases :

- a) Whenever national interests recommend it;
- b) For reasons of international reciprocity;
- c) For attending international Congresses, Conferences or Events; and
- d) When dealing with exclusive tourist trips in ships, aircraft or any other means of collective transport stipulated by the National Tourist Board.

SECTION 92 : Nationals and alien residents from countries with which Chile has signed Transit and Tourist Conventions may enter when in possession of the documents established therein.

SECTION 93 : For the purpose of the previous Sections, any of the documents which comply with the following requirements shall be considered as a valid identity document for entering as a tourist :

1. Name and address;
2. Nationality;
3. Date of Birth;
4. Signature and seal of the issuing authorities; and
5. A photograph.

SECTION 94 : When entering the country, a tourist shall be granted a card which shall certify his/her status as such whilst remaining in Chile.

This document shall be called a "Tourist Card", be issued in duplicate and indicate the place and date of entry, under the seal and signature of the official conducting the corresponding border control. Both copies shall be signed by the alien. If incapable or unable to sign it, the border control official shall require him/her to leave a fingerprint.

SECTION 95 : The Tourist card shall be furnished by the Ministry of the Interior and contain, at least, all data necessary for identifying the alien, references to the entry document and such other details as are considered necessary for better police, customs and statistics control as well as for instructing the tourist with regard to his/her stay in or departure from the country.

The form and characteristics of this card shall be prescribed by the Ministry of the Interior, upon consultation with the Chilean Investigations Police, the National Tourist Board and the National Statistics Institute.

SECTION 96 : The Tourist Card shall be a personal document. One of its copies shall be remitted to the Chilean Investigations Police. In the event of loss, a duplicate of this card may be granted without any cost whatsoever for the interested party.

SECTION 97 : In the event other countries require Chileans to pay a fee for entering them as tourists, the Ministry of the Interior, upon consideration of a report by the

Ministry of Foreign Affairs, may require the nationals from such countries to pay a similar fee.

SECTION 98 : The Tourist Card shall be granted free of charge. However, in special cases or by reciprocity, the Ministry of the Interior, upon consideration of a report by the Ministry of Foreign Affairs, may establish that such document is subject to the payment of a fee. Any amounts charged for the Tourist Card shall be established by a reasoned Executive Decree, which at the same time shall indicate the terms of payment.

SECTION 99 : The holder of a tourist card shall hand it in to the border control officer when leaving the country. To leave the country after the authorized term for the stay has expired, the alien shall certify having satisfied the corresponding administrative punishment or being authorized by the corresponding provincial Governor, the Regional Governor of the Metropolitan Region or the Head of the Aliens and Migration Department of the Ministry of the Interior. **(Amended by Executive Decree 828/94)**.

SECTION 100 : Tourists are forbidden from undertaking any gainful activities, even when they are paid for abroad. Nonetheless, the Ministry of the Interior, Provincial Governor or the Regional Governor of the Metropolitan Region may authorize them so that, in exceptional cases, they may work in the country for a period not exceeding 30 days, extendible for similar periods until such time as the tourist card expires.

The aliens referred to in Section 50 letter c), duly

accredited before the public body mentioned therein, shall seek this authorization to undertake their activities. Such authorizations shall be free of charge and its holders shall be exempt from the obligation established in Section 131, N° 2, final paragraph. **(Added by Executive Decree 1419/86)**.

SECTION 101 : The tourist card may be extended for a period of up to 90 days, which shall start from the date it expires.

In exceptional cases, when force majeure is claimed and proven, a second extension for the time strictly necessary for the tourist to leave the country may be granted.

SECTION 102 : Tourists may apply for their status as such to be replaced by that of resident or official resident, as the case may be, if they happen to find themselves in any of the following cases :

1. The spouse of a Chilean national and his/her parents and children;
2. The spouse and children of an alien who resides in the country with some sort of permit or permanent resident visa, as well as the parents of an alien over 18 years of age who resides in the country under any of the aforementioned conditions. (Amended by Executive Decree 828/94);
3. All ascendants of Chileans;
4. The foreign children of naturalized Chileans;
5. Professionals and technicians who prove their skills with certified diplomas and who can substantiate that they have been hired or that they shall practice in

Chile as such;

6. Teachers who have been hired by State educational centers or institutions recognized by it, provided they can substantiate their capacity as such by the submission of certified diplomas;
7. Whosoever has been appointed or hired for undertaking the tasks normally covered by an official resident visa;
8. Whosoever claims refugee status or seeks political asylum in accordance with the provisions of Section 60;
9. The spouse and the children of any aliens referred to in the four previous numbers. Benefits may be obtained either jointly or separately; and
10. Whosoever is considered by the Ministry of the Interior to be entitled to this benefit, in which case it shall be granted by means of a reasoned resolution.

CHAPTER IV

REGISTRATION AND THE IDENTITY CARD

SECTION 103 : Those aliens over 18 years of age, with the exception of tourists and official residents, shall obtain an identity card and be recorded in the special register for aliens that is kept by the Chilean Investigations Police within 90 days from their date of entry into Chile.

However, tourists, residents, official residents, whosoever changes his/her status, aliens unlawfully staying in the country and, generally, whosoever in Chile is granted a permanent

residence permit or a visa other than a diplomatic or official one, shall comply with all of the obligations referred to in the foregoing paragraph, within 30 days from the date of the issuance of a permanent residence certificate or the validity of the corresponding visa.

SECTION 104 Registration mentioned in the previous Section shall be done at the personal request of the interested party and upon submission of the document evidencing his/her status as a resident in Chile.

In the city of Santiago, it shall be done on the premises of the Chilean Investigations Police and, in all other cities, in the corresponding Unit of that Institution, or otherwise in any Uniformed Police Unit of the jurisdiction where the interested party is domiciled. Once this registration has taken place, the Police Units shall remit it to the Chilean Investigations Police, and the latter shall inform the Ministry of the Interior of compliance with this obligation.

Once registration has been done, the interested party shall be granted the corresponding registration certificate, whose cost shall be borne by him/her. The Ministry of the Interior, annually and by resolution, shall establish the cost of that certificate, which in no case shall exceed its cost of preparation.

SECTION 105 : The characteristics and indications in the special registers for aliens, the registration certificate as well as any other document necessary for the corresponding registration, shall be established by the Chilean Investigations Police.

SECTION 106 : Aliens who are bound to register and those already in possession of the permanent residence permit shall personally inform the border control authorities of any change in their domiciles or their activities, within 30 days following its occurrence. Notification of the new domicile shall be made to the corresponding control unit in the city in which he/she has settled. The authorities receiving this information shall proceed in accordance with the provisions in paragraph two of Section 104.

SECTION 107 : The Ministry of the Interior shall establish, organize and keep the National Register of Aliens, in accordance with the provisions in number 5 of Section 91 of Decree Law N° 1,094 of 1975, as amended, for which purpose it shall draft the corresponding rules by Executive Decree.

SECTION 108 : The identity card that is granted to alien residents shall have the same validity as the corresponding visa. On the other hand, the holders of permanent residence permits shall be given an identity card valid for five years. In both cases applicant aliens shall certify their resident status by submitting the corresponding official documents or certificates.

The identity card granted to aliens by virtue of this Section, shall be issued under the forename and surname recorded in the passport or other valid documentation used for entering the country that duly establishes his/her identity and nationality.

The identity card granted to aliens in any of the situations foreseen in Sections 57 and 179 shall bear the

forenames and surnames that appear in the document issued by the appropriate Chilean authorities, the latter being able to officially confirm the true forenames and surnames of the alien.

Identity cards shall be granted to any alien's children born in Chile in accordance with the rules of the Civil Registry.

SECTION 109 : Any corrections of errors, omissions and/or additions to forenames and surnames referred to in regulations contained in this Chapter in relation to the registration of aliens and the issuance of identity cards shall be subject to the decision of the Ministry of the Interior through the Aliens and Migration Department.

These corrections shall be undertaken by operation of law or at the request of the interested party, upon examination of all valid and proper documentation and background information and the drafting of the relevant administrative decision. (Amended by Executive Decree 2,910/2000).

These resolutions shall be notified to the Chilean Investigations Police and the Civil Registry and Identification Service, so that they might make whatever marginal notes are necessary and a new identity card is issued.

SECTION 110 : Persons under the age of 18 who hold a permanent residence permit or a visa other than a diplomatic or an official one, may register and be granted an identity card. They shall be bound to do so within 30 days after they reach that age.

CHAPTER V

EXIT AND RE-ENTRY

ARTICLE 1

EXIT

SECTION 111 : In order to leave the country, aliens shall not require any safe-conduct from the border control authorities referred to in Section 4, except for authorities at those places made available for border crossing that have not been incorporated into the Chilean Investigations Police's computerized system, and they shall be afforded the same treatment as Chileans. Even at those places, official residents, tourists who leave within the period mentioned in their tourist card, those who are compelled to leave the country by the appropriate authorities and those who have been deported shall not require safe-conducts. **(Amended by Executive Decree 828/94)**.

SECTION 112 : For the purposes of these Regulations, a safe-conduct shall mean a document issued by the Units reporting to the Chilean Investigations Police which allows its holder to leave the country.

This document shall be applied for at least 24 hours before exit and have a maximum validity of five working days, with the date of exit entered up in its text. It may be renewed, in which case a new document shall be issued. It shall be shown to the border control authorities controlling the exit of aliens.

(Amended by Executive Decree 828/94).

The safe-conduct shall contain at least the following data: the interested party's full name, nationality, Chilean identity card for aliens, number of passport or foreign identity card, place of exit, country of destination, place and date of

issuance, stamp and signature of the competent official.

SECTION 113 : To the exclusion of official residents, all aliens holding a valid resident visa in the country and wishing to leave it shall certify the validity of their visa with the border control authorities wherever they exit, showing the identity card granted by the Civil Registry and Identification Service or their passport with the visa stamped unto it.

In order to certify such status, residents holding permanent residence permits shall submit either a certificate evidencing they hold such permit or a valid identity card.

Aliens whose residence permits are being processed and wish to leave the country shall so prove by submitting the relevant voucher **(Added by Executive Decree 2,910/2000)**.

Those resident aliens wishing to leave Chile within 30 days after their visas or permanent residence permits have come into force and who have failed to comply with the obligation to register them, may do so at the place of exit. The border control authorities shall notify the Ministry of the Interior each time it allows a resident alien to leave within the aforementioned term who has failed to comply with his/her obligations to register and obtain the identity card. **(Amended by Executive Decree 828/94)**.

SECTION 114 : The border control authorities may not allow aliens to leave the country who are indicted or affected by a writ of ne exeat, unless they have received the authorization from the corresponding court to do so.

In order to leave the country, resident aliens who incur in

any of the offences being administratively punishable as referred to in Section 1 of Chapter VIII of these Regulations shall certify before the border control authorities where they wish to exit that they have complied with the corresponding punishment or that they have an authorization from the Ministry of the Interior.

Notwithstanding the above, aliens whose resident visas have expired may leave the country in accordance with the provisions of Section 111 without the need to certify before the border control authorities the fact that they had been imposed some punishment whenever such expired period does not exceed the following terms :

a) Up to 60 days in the case of aliens holding a resident visa for periods of one year or more.

b) Up to 30 days in all other cases.

These expiry periods shall not apply to alien entertainers who hold an employment-based visa, but shall be governed by the special rules regarding their stay and activity in the country.

Regarding tourists whose permits had expired, the provisions in Section 99 shall apply.

In cases exceptionally requiring a safe-conduct in accordance with Section 111, the formalities mentioned in Section 113 and in paragraph two of this Section shall be all verified the moment such a document is applied for. **(Amended by Executive Decree 828/94)**.

SECTION 115 : Aliens under the age of 18 who have entered the country as tourists, with a written authorization from any of the persons referred to in Section 27 N° 4, shall, by

operation of law, be allowed to leave the country under the same authorization.

Aliens under the age of 18 who have entered as tourists accompanied by their legal representative and who wish to leave the country without him/her, shall be in possession of the authorization mentioned in the foregoing paragraph.

When dealing with aliens under the age of 18 resident in the country, the provisions in Law N° 16,618 shall apply.

If the persons whose authorization is required for an alien under the age of 18 to leave the country are unable or unwilling to give such authorization, it may be replaced by a juvenile court order. This same procedure shall apply to underage persons who enter the country illegally.

For the purposes of the authorizations mentioned in the foregoing paragraphs, it shall be understood that the father or mother is absent in the cases dealt with in Sections 109 and 110 of the Civil Code. **(Amended by Executive Decree 828/94)**.

SECTION 116 : The border control authorities may not allow those aliens to leave the country who are subject to a resolution from the Chilean authorities which, pending compliance, prevents them from leaving. **(Amended by Executive Decree 828/94)**.

ARTICLE 2

RE-ENTRY

SECTION 117 : Without prejudice to the provisions in section 122, even when a Tourist Card has been granted to an alien holding a valid resident visa or a permanent residence

permit in the country, the moment he/she re-enters it, the residence status under which this alien had left the country shall prevail. **(Amended by Executive Decree 828/94)**.

SECTION 118 : (Repealed by Executive Decree 828/94).

SECTION 119 : (Repealed by Executive Decree 828/94).

SECTION 120 : (Repealed by Executive Decree 828/94).

SECTION 121 : (Repealed by Executive Decree 828/94).

SECTION 122 : Upon re-entry, the holder of a permanent residence permit shall, to be admitted as such, be bound to prove he/she is the holder of a valid permit and the border control official, likewise, shall duly acknowledge and verify whatever documents he/she deems necessary.

To this end, the alien shall submit the corresponding certificates or the identity card granted by the Civil Registry and Identification Service.

If it were to be discovered that the permanent residence permit is no longer valid, the documents mentioned in the foregoing paragraph shall be taken away and remitted to the Ministry of the Interior.

In the event the he/she was not in the possession of these documents, or, if as a result of the verification undertaken, doubts should arise as to the holding and validity of the permit, a tourist card shall be granted, leaving a record therein that its holder has declared to hold a permanent residence permit and that he/she has to appear before the Provincial Governor having jurisdiction over his/her domicile, or before the Regional Governor of the Metropolitan Region in

Santiago within ten days from the date of entry so as to clear up his/her immigration status and proceed accordingly.

During the process mentioned in the foregoing paragraph, the person shall be deemed as being the holder of a permanent residence permit.

In case of any misrepresentation, the provisions in Chapter VII shall apply. **(Amended by Executive Decree 828/94)**.

SECTION 123 : Any aliens who have been living for at least six months in any of the localities or districts abutting onto the borders of the country as are determined in accordance with the provisions of paragraph three of this Section and who have legal residence in Chile, may leave and return to the country with a valid passport or a Chilean identity card, without it being required to have the safe-conduct that, as an exception, is mentioned in Section 111.

The border control authorities mentioned in Section 4 on duty at the places of exit and re-entry in the country shall keep special travel registers of all aliens who avail themselves of the border locality or district system and inform the Ministry of the Interior through the Chilean Investigations Police.

For the purposes of the provisions in paragraph 1 of this Section, the Ministry of the Interior, upon consideration of a report by the National Borders and Territorial Limits Directorate, shall determine the border localities or districts affected by this special system of travel for resident aliens. It may likewise, through a reasoned resolution, extend such system to other areas in the country, whenever national

interests so advise. **(Amended by Executive Decree 828/94)**.

SECTION 124 : Repealed by Executive Decree 828/94.

CHAPTER VI

PROCEDURAL RULES

SECTION 125 : All applications for extension and renewal of tourist permits, visas, changes and renewals thereof, work authorizations for tourists or students and permanent residence permits, shall be filed using forms provided free of charge by the corresponding Authorities. These documents shall contain the affidavit that is referred to in letter d) of Section 15, for completion by the foreign applicant. **(Amended by Executive Decree 828/94)**.

These applications shall contain at least the following particulars regarding the applicant :

1. Names, nationality, sex, marital status and domicile;
2. Date and place of entry into Chile with an indication of the carrier used;
3. Number and class of entry document;
4. Entry and current residence status, and
5. Reasons for the application.

SECTION 126 :

1. To the applications for extension or renewal of the tourist permit, the corresponding card shall be attached;
2. To the applications for a work authorization for tourists or student residents, the following shall be attached :

- Tourist Card or registration, as the case may be, and
- Employment contract or an affidavit in writing by the firm or company where the alien shall work.

3. **Repealed by Executive Decree 828/94.**

4. To the applications for a special crew card the following shall be added :

- A work authorization issued by the appropriate Chilean authorities;
- A list or certificate of all the crew, signed by the captain of the vessel, special or naval vessel and the shipping company or agency, and
- The documents established in Section 70.

SECTION 127 : To the applications for a resident visa, any changes thereto or extensions thereof and for permanent residence permits, the following shall be attached :

1. Criminal record for special purposes;
2. Certificate of registration;
3. The last two income tax returns; receipts and/or invoices for the last three months, if applicable.

(Amended by Executive Decree 3,553/96) .

4. Passport; and
5. A document where the grounds for the application are stated. Amongst these, the following may be required, if applicable:

An employment contract; enrollment, attendance or

sustenance certificate; bank deposit certificate; sworn declaration of capital, certificate of family ties and expenses; legalized public deeds, authorizations for operating in the duty free zone; investment certificates, accreditation from responsible religious orders or congregations abroad; certificates from companies, institutions or bodies sponsoring entry and/or responsible for the aliens' activities in the country, etc.

The Ministry of the Interior may establish special requirements and additional documentary evidence that allow it to properly screen the aliens applying for such permits. To this end, it shall issue such instructions as are necessary.

SECTION 128 : Without prejudice to the provisions in the foregoing Section, the following applicants shall not be required to submit the documents mentioned :

1. Tourists applying for a visa shall not be required to submit the documents mentioned in N° 1 and 2 of the previous Section. Neither shall official residents who apply for a change of visa or permanent residence permits be required to submit these documents, but they shall be required to certify having waived the official visa or having completed their tour of duty, as the case may be.

2. Those aliens who apply in Chile for a resident visa with political asylum shall not be required to submit the documents mentioned in Section 127.

3. Those aliens having unlawfully entered the country who have never held a visa shall not be required to submit the documents mentioned in N° 1 and 2. If they lack a passport,

they shall submit whatever foreign documents they might hold (identity card, birth certificate, military enrollment, etc.). Also the official report or personal history, as the case may be, and in any event, whatever documents certifying any punishments enforced shall be attached to the application.

4. To the applications for minors under the age of 18 only the passport and a declaration of expenses shall be attached.

Those underage persons referred to in Section 51, paragraph 1, shall also be required to submit the minor's birth certificate or that of his/her father or mother, as the case may be. Any foreign tourists applying for a resident visa shall submit the tourist card with their application.

SECTION 129 : The below applications shall be submitted within the terms indicated :

1.- All applications for an extension or a renewal of the tourist permit shall be submitted within 30 days prior to the expiry date thereof.

2.- All applications for a visa, change and extension thereof shall be submitted within 90 days prior to the expiry date of the holder's permit.

3.- All applications for permanent residence permits shall be submitted within 90 days prior to the expiry date of the visa.

4.- All applications for a special crew card shall be submitted within 15 days as from the notification of entry to the Port authorities or the receipt of the relevant naval vessel, as the case may be.

5.- All applications from a tourist or a student resident

for a work authorization shall be submitted whilst the corresponding permits or visas still remain in force.

6.- All applications for a change of status or a permanent residence permit under section 39, paragraph two, shall be submitted within 30 days following the termination of the corresponding contract **(Added by Executive Decree 2,910/2000)**.

To decide on the aforementioned applications, the immigration authorities shall verify that whatever permits that had been granted had expired. **(Amended by Executive Decree 3,553/96)**.

SECTION 130 : The applications for resident visas that are filed in the country shall be approved by a resolution from the corresponding authorities. The term of residence authorized shall be calculated from the date it was stamped into the passport or whatever document replacing it. Such administrative step shall be taken immediately after the corresponding resolution has been drafted and the applicable fees have been paid, if any.

In the case of visa extensions, their validity shall be calculated from the expiry date of the previous one, if complying with the provisions in the foregoing paragraph, save for those submitted beyond the term established in number 2 of Section 129, which shall be considered as being new visas. In this case, any period without a visa which does not exceed 90 days shall be understood as not interrupting residence for applying for the permanent residence permit. That period of time in which the immigration authorities are studying the

application shall not be taken into consideration. **(Amended by Executive Decree 3,553/96)**.

SECTION 131 : All applications for extensions and renewals of the tourist permit and work authorization for the holders thereof shall be submitted to the Head of the Aliens and Migration Department of the Ministry of the Interior, the Provincial Governor and the Regional Governor of the Metropolitan Region, so that they may be resolved by these authorities. Once the corresponding resolutions have been issued and the payment of all corresponding fees has been substantiated, the following administrative steps shall be taken: **(Amended by Executive Decree 828/94)**.

1. All extensions and renewals shall be annotated on the corresponding tourist card, recording the number and date of the resolution, the date of expiry of the extension or renewal, and the signature and seal of the corresponding authorities.

2. Once the tourist has been authorized to work, his/her tourist card shall be replaced with a special work card, which shall contain the following data :

Name, nationality and profession; the interested party's entry date and document; number and date of the resolution; name of the employer; activity to be undertaken; the time the authorization is valid; place issued; signature and seal of the competent official. It shall also contain the instructions that shall bind the alien.

When he/she leaves the country, this special work card shall be exchanged for the tourist card, upon exhibition of the receipt for the payment of taxes, if applicable.

3. The application and corresponding resolution for the permits and authorizations dealt with in this Section shall be remitted to the Ministry of the Interior, the Aliens and Migration Department and the Local Units of the Chilean Investigations Police within 24 hours. This latter institution shall inform the Ministry of the Interior of any negative facts concerning the alien which might bring about the revocation of such permits.

SECTION 132 : All applications for visas, changes and extensions thereof shall be submitted to the Ministry of the Interior, Provincial Governors and the Regional Governor of the Metropolitan Region for their resolution by the appropriate authorities.

These applications shall be notified, within 48 hours of their submission, to the Ministry of the Interior and the Chilean Investigations Police.

These applications shall be subject to the issuance of a report by the Chilean Investigations Police, dispatched through the corresponding Unit, and to the authorization of the Ministry of the Interior, if applicable.

The report shall not apply to be those applications filed by underage persons, visas, changes and extensions that are resolved for periods of less than 90 days and to holders who are granted their request through a reasoned resolution. Applications for transfer of the administrative business mentioned in Section 79 shall not require the issuance of a report, if both passports are attached to the application.

Once the resolution for the approval of these applications

has been drafted, the applicable fees, if any, shall be collected and a record shall be left in the passport or document that replaces it, making whatever marginal notes as are deemed necessary.

SECTION 133 : All applications for permanent residence permits shall be submitted to the authorities mentioned in paragraph one of the previous Section, who shall remit a copy thereof as well as a copy of the documents referred to in Section 127, to the Local Police Unit of the Chilean Investigations Police within 48 hours of the submission, so that that institution can make a report on any criminal records as well as the trips undertaken by the applicant. **(Amended by Executive Decree 3,553/96)** .

The Chilean Investigations Police shall remit the applications and all background information to the Ministry of the Interior for its resolution, demand the payment of all fees, if applicable, and proceed in accordance with the provisions of Section 81 or Section 141, paragraph 2 or 3.

In any event, the immigration authorities shall verify that the resident visas have expired so as to resolve the corresponding applications for permanent residence permits. **(Added by Executive Decree 3,553/96)** .

SECTION 134 : The Chilean Investigations Police shall issue the reports on the applications mentioned in this Chapter within 15 days, regardless of its obligation to inform the Ministry of the Interior at any time of any negative facts, of any nature whatsoever, relating to aliens holding the permits

and authorizations mentioned in these Regulations, whether they are in the country or outside it.

In the event this term is exceeded, the Units mentioned shall leave a record in the corresponding report of the causes for the delay.

SECTION 135 : Upon submission of the applications referred to in this Chapter, the receiving authorities shall hand over to the applicant a receipt whose validity shall be determined in accordance with the application being dealt with and the resolutive process of same.

These terms shall be established by the Ministry of the Interior and, whilst remaining in force, the applicant shall appear before the receiving authorities to find out the status of his/her application, which could be renewed if it were still pending. Noncompliance with this obligation shall entitle the authorities to act in accordance with the provisions of Sections 136 and 138 N° 5 of these Regulations.

Section 135 bis.- Aliens whose application for temporary residence or employment-based visa is being processed may request authorization to work while the granting of the relevant visa is pending. Fees equivalent to 50% of an employment-based resident visa shall be paid for such authorizations.

The application shall be submitted to the Head of the Aliens and Migration Department of the Ministry of the Interior, the Provincial Governor or the Regional Governor of the Metropolitan Region, for decision by the competent authorities. Upon issuance of the resolution and payment of the applicable fees, a special work card shall be granted, which shall contain the particulars

referred to in section 131, paragraph 2. This authorization may also be applied for by student residents applying for a change to an employment-based resident visa or a temporary visa or else applying for a permanent residence permit.

Those applying for the extension of a temporary visa or an employment-based visa or for a change of status and those applying for a permanent residence permit shall be entitled to engage in gainful activities being consistent with their status at the time the application is filed. **(Added by Executive Decree 2,910/2000)**.

CHAPTER VII

REJECTION AND REVOCATION

SECTION 136 : The Ministry of the Interior and the Ministry of Foreign Affairs, when resolving the granting of extensions and renewals of tourist cards, changes and extensions of visas, permanent residence permits and any other authorizations referred to in these Regulations, shall bear in mind the grounds for rejection in the following Sections.

SECTION 137 : All applications submitted by the following applicants must be rejected :

1. Whosoever enters Chile, in spite of being subject to any of the prohibitions found in Section 26;

2. Whosoever, as a result of any acts undertaken or circumstances arising during their stay in the country, become subject to numbers 1 or 2 of Section 26;

3. Whosoever enters the country bearing false or forged entry documents or documents issued in someone else's name and

whosoever incurs in similar frauds with regard to immigration documentation granted in Chile, regardless of the provisions in Section 57 and of any applicable criminal liability, and

4. Whosoever does not comply with the requirements prescribed for obtaining the benefits offered.

SECTION 138 : The applications submitted by the following applicants may be rejected :

1. Whosoever has been sentenced in Chile for a crime or an offence;

In the event of persons indicted whose application had been rejected, a writ of ne exeat may be issued until such time as a final or executed judgment or ruling has been handed down regarding the corresponding case, in which case some of the legal border control measures should be adopted for the time necessary;

2. Whosoever makes any misrepresentations when applying for the consular card, tourist card, registration, identity card, visa and any extensions thereof or permanent residence permits and, in general, when conducting any business before the Chilean authorities;

3. Whosoever, whilst resident in the national territory, undertakes acts that might be construed as a nuisance for any other country with which Chile has diplomatic relations or for their leaders;

4. Whosoever, due to circumstances occurring after entering Chile, becomes subject to N°s 4 or 5 of Section 26.

5. Whosoever fails to observe any prohibitions or to comply with the obligations contained in Decree Law 1,094 of 1975, as

amended, and these Regulations;

6. Whosoever fails to obey the rules regarding the terms set forth in these Regulations for obtaining the corresponding benefits;

7. Those employment-based residents that, through their own fault, had their employment contract terminated; and

8. Whosoever fails to comply with their tax obligations.

Moreover, any applications may be rejected for reasons of national interest or benefit.

SECTION 139 : The following permits and authorizations must be revoked :

1. Those granted abroad to persons subject to any of the prohibitions mentioned in Section 26;

2. Those granted in Chile in breach of the provisions in Section 137; and

3. Those held by those aliens who, after their entry into Chile as tourists or the granting of their permit, do undertake acts that are mentioned in numbers 1 or 2 of Section 26 or in N° 3 of Section 137.

SECTION 140 : The permits may be revoked of those belonging to aliens who, as a result of any acts undertaken or circumstances arising after their entry into Chile as tourists or the granting of the permit or authorizations they hold, become subject to any of the cases mentioned in Section 138.

SECTION 141 : The Ministry of the Interior or the authorities acting on its behalf, when applicable, shall resolve all rejections and revocations referred to in the previous Sections.

All rejections and revocations shall be made in a reasoned resolution. Such resolution shall fix a reasonable term of not less than 72 hours for the affected party to voluntarily leave the country, regardless of any punishment being imposed by the appropriate authorities, when applicable, including some sort of warning in writing, fine, penalty or deportation from the national territory.

When there are grounds for rejection or revocation and upon the merits of the background information, the Ministry of the Interior or the authorities acting on its behalf, if applicable, may replace the measure of voluntary departure from the country with the granting of a visa of the same status as that applied for or which he/she previously held. If dealing with the revocation of a permanent residence permit, a temporary resident visa shall be issued.

The validity of these visas shall be that determined in each case and shall become effective upon the issuance of the corresponding resolution.

In the event that, upon its expiration, the alien applies for an extension thereto, these applications shall be governed by the general procedural rules established. Those that are granted after the revocation of any residence permit are exempt from the payment of any fee.

In the event referred to in paragraph three above, the alien shall put his/her passport at the disposal of the authorities within a period of not less than five days, to be established in the corresponding resolution. The handing in of the passport or the document replacing it shall be done with the

sole purpose of stamping in the visa to be granted to the affected party. At this time, the alien shall return his/her registration certificate, Chilean identity card for aliens and/or permanent residence certificate, as the case may be. For the purpose of stamping in this visa, an expired passport or a residence permit established in Section 179 may be used.

SECTION 142 : Resolutions issued in accordance with the regulations found in the previous Section shall be notified personally or by registered letter to the affected party by the appropriate administrative authorities.

Personal notification shall be done in writing, and signed by the affected party, indicating the date, time and place of service. In the event that he/she refuses to sign, a record shall be left of this fact in the very same notification document, duly signed by the competent official.

Notification by registered letter shall be done by means of an instrument addressed to the alien's last domicile recorded before the same authorities and contain a full copy of the corresponding resolution. This notification shall be deemed as done on the third day after receipt of the letter by the post office authorities. **(Amended by Executive Decree 1931/97)**.

SECTION 142bis : Without prejudice to the powers the authorities have to void a resolution because of additional background information, an appeal may be lodged for reversal of a decision refusing or revoking a residence permit before the authorities who drafted the original resolution, within three days following its notification, in accordance with the provisions in the foregoing Section.

The lodging of this appeal suspends the effects of a resolution challenged pending a decision by the applicable authorities.

Whatever resolution is drafted regarding the appeal shall be notified by registered letter as set forth in Section 142 paragraph 3.

Upon expiry of the terms referred to in this Section and in Sections 141 and 142, if the alien has failed to obey the instructions given by the authorities, a reasoned deportation order shall be drafted. **(Added by Executive Decree 1931/97)**.

SECTION 143 : The resolution which refuses or revokes a residence permit for an alien who has been indicted for a crime or offence shall provide that the term fixed for the alien to voluntarily leave the country shall begin to run from the moment judgement has become final or executed, if an acquittal, or whenever the sentence has been served, if he/she were found guilty.

Exceptionally, in the case of persons on parole or with a remission of sentence whose applications are rejected or their residence permits are revoked, their leaving the country may be replaced with the issuance of a resident visa with a restricted validity, in which case the provisions in the previous Sections shall fully apply. These visas may be extended successively until such time as the court case is over or sentence is rendered.

SECTION 144 : The Chilean Investigations Police shall control all implicit revocations of permanent residence permits in accordance with the provisions of Section 84 and withhold the

corresponding certificates, if applicable, notifying the Ministry of the Interior so that the latter might make the relevant marginal notes in the corresponding registers and resolutions.

CHAPTER VIII

SECTION 1

OFFENCES AND PUNISHMENTS

SECTION 145 : Aliens entering the country or attempting to leave it, whilst using false or forged documents or documents which have been issued in someone else's name or who make use of them during their stay, shall be punished with short-term imprisonment in its maximum degree, and deportation, which shall be effective as soon as the person involved has served the prison term imposed.

With these offences, there shall be no parole pending sentencing nor any remission of the sentence.

The provisions in this Section shall not apply to those cases where the alien makes the declaration referred to in paragraph two of Section 57.

SECTION 146 : Those aliens who enter the country or who attempt to leave it clandestinely shall be punished with short-term imprisonment in its maximum degree. "Clandestine entry" shall mean any entry that outwits border control in any way whatsoever.

If they were to do so through places not made available, the alien shall be punished with short-term imprisonment, in its minimum to maximum degree.

If they enter the country through places not made available or clandestinely, in spite of their being subject to any grounds preventing or forbidding them from entering, they shall be punished with short-term imprisonment in its maximum degree to long-term imprisonment in its minimum degree.

Once they have served the sentences imposed in the cases referred to in this section and in the foregoing section or else upon obtention of his/her freedom pursuant to the provisions in section 158, the alien shall be deported from the national territory.

SECTION 147 : Those aliens discovered undertaking gainful activities without them being authorized therefor shall be punished with a fine ranging from .22 to 11.14 minimum wages.

SECTION 148 : Those aliens who continue to reside in the country after their permits have expired - i.e. where the terms for filing an application for extension, visa or permanent residence have expired - shall be punished with a fine ranging from .22 to 4.46 minimum wages, irrespective of their being bound to leave the country or being deported.

SECTION 149 : Those aliens who are bound to register, to obtain an identity card, to notify the authorities of any change of domicile or activity, if applicable, depending on their residence status and fail to do so in due time, shall be punished with a fine of between .22 and 4.46 minimum wages.

When dealing with persons included in Sections 147 and 148 and the foregoing paragraph and provided they are not recidivists, the Ministry of the Interior or the Regional Governor, as the case may be, when aware of it, may, by

operation of law or at the request of the affected party, issue a written warning as punishment, thus replacing the fine.

In the event of serious or repeated breaches of these obligations, the alien offender may be forced to leave the country or be deported.

SECTION 150: Carriers transporting aliens into the country who lack the necessary documentation for entering it shall be punished with a fine of between .22 and 4.46 minimum wages per offending passenger, if they were to hinder or prevent their re-embarkation.

In the case of recidivism, the Ministry of the Interior, besides imposing a fine, shall inform the Ministry of Transportation so that it may adopt any applicable measures or enforce any applicable punishments.

SECTION 151 : Those carriers whose vehicles leave the country before the exit inspection having been conducted by the competent authorities shall be punished with a fine of between 2.23 and 11.4 minimum wages.

SECTION 152 : To hire aliens it shall be necessary that the latter substantiate their legal residence or stay in the country and that they are duly authorized and qualified to work.

The employer or the person on whom the alien is dependent shall be responsible for notifying the competent authorities in writing, within 15 days, any circumstances that may alter or modify his/her residence status.

If as a result of a breach of the previous rules, the alien were to be deported, the person, company or institution employing him/her shall pay all expenses incurred in such

deportation.

Any breach of the provisions in this Section shall be punished with fines of between .22 and 11.14 minimum wages per each offence.

SECTION 153 : All authorities reporting to the Ministry of Labor and Social Security shall inform the Ministry of the Interior and the Regional or Provincial Governors, as the case may be, any breach they may become aware of in the hiring of aliens.

If it were to be proved that aliens had been hired to work who were not duly authorized or qualified to do so by any State or Municipal Services or Bodies, the Ministry of the Interior shall request the competent authorities to conduct an administrative inquest so as to punish offender officials with a fine of between 1 and 15-day wages. In the event of recidivists, the punishment shall be a request for resignation.

SECTION 154 : Any alien who is granted a visa under an employment contract fraudulently entered into shall be deported, regardless of any criminal charges that might be brought against him/her.

Any employer who were found to be likewise in breach shall be punished with a fine of between .22 and 11.14 minimum wages. In the event of recidivists, the punishment shall be short-term imprisonment in its minimum degree, regardless of any fine applicable and the obligation to pay the alien's trip out of the country.

SECTION 155 : The authorities of the Republic, State Services and Agencies shall require that all aliens who do

business with them in matters within their sphere of competence prove their legal residence in the country and that their status and types of residence allow them to undertake the act or enter into the relevant contract by placing this fact on record in the corresponding instrument.

If the aliens were unable to comply with these requirements, this fact shall be notified to the nearest police authorities.

SECTION 156 : All owners, administrators, managers or agents responsible in hotels, hostels or boarding houses who lodge aliens, as well as the owners or lessors who agree or contract tenancies with them, shall require them to certify their legal residence in the country. A record shall be left in the guest register or in the corresponding act or contract. Noncompliance with this obligation shall be punished with a fine of between .22 and 4.46 minimum wages.

The obligation to require that legal residence be certified shall apply to those lodging or accommodating aliens. If the foregoing provision were infringed and lodging were to be given to aliens having unlawfully entered the country, the offenders shall be punished with a fine of between .22 and 2.23 minimum wages.

If the aliens were unable to establish their legal residence in the country, the persons referred to in this Section shall report the fact within 24 hours to the nearest Police Unit.

SECTION 157 : Generally, legal residence can be evidenced with any of the following valid documents :

1. Tourist Card or Special Employment Card;
2. Crew Card or Special Crew Card;
3. Passport with the corresponding visa stamped in it and the Certificate of Registration;
4. Residence Permit;
5. The receipt established in Section 135;
6. Permanent Residence Certificate, and
7. Identity card.

ARTICLE 2

ENFORCEMENT OF PUNISHMENT AND APPEALS

SECTION 158 : The offences in this Article shall be tried by the criminal courts of justice of jurisdiction.

The corresponding action may only be initiated from a complaint or at the request of the Ministry of the Interior or the Regional Governor, upon the basis of reports or background information provided by the control or other authorities or by private persons. The Minister of the Interior or the Regional Governor may withdraw it at any time, thus terminating the right to bring an action. In such a case, the Courts shall finally dismiss the case and order all detainees or prisoners to be released.

SECTION 159 : All fines and warnings established in these Regulations shall be enforced by the Ministry of the Interior, through the Aliens and Migration Department, by means of administrative resolutions grounded on the merits of the supporting information; however, to the extent possible, the affected party must be heard.

Within 10 working days from personal notification or

registered letter addressed to the domicile or residence of the affected party, of the resolution containing the warning or the fine, the affected party may lodge an appeal for reversal of such decision with the corresponding authority, based on new evidence that shall accompany the appeal. The corresponding authorities may ratify, modify or leave the punishment without effect.

For the appeal to be admitted, the affected party shall elect domicile and deposit 50% of the amount of the fine, in a bankers' draft to the order of the Ministry of the Interior, which amount shall be returned to him/her if the appeal is granted.

Any resolution shall be deemed as final upon expiry of the term prescribed to file an appeal for reversal or upon notification of the judgment passed by the competent authorities, as set forth above.

SECTION 160 : The final administrative resolution for collecting the amount of the fine imposed shall carry a right of execution. To such effects, the Ministry of the Interior or the Regional Governor may take any relevant steps.

At any rate, should the foreign offender fail to pay the fine within 15 working days from the date on which the corresponding resolution had become final, he may be deported.

SECTION 161 : The resolution enforcing the fine or dismissing the appeal for reversal shall be deemed as executed 10 days after service of notice.

SECTION 162 : The fines established by these Regulations shall be paid with a bank draft drawn in the name of the

Ministry of the Interior.

All income derived therefrom shall be deposited in a Government Current Account supplementing the Fiscal Account, against which the Under-Secretary of the Interior may draw funds in order to cash in the refunds provided for in paragraph three of Section 159. Moreover, he may monthly draw funds to the name of international passenger carriers to pay for the return trips of any aliens deported by the appropriate authorities. For this purpose, "tickets may be ordered to be issued for the transport of such aliens to their countries of origin or any other country they are authorized to enter." **(Amended by Executive Decree 1,132/96)**.

The total amount of monthly withdrawals may not exceed 50% of all general income derived on account of monetary punishments imposed in accordance with these Regulations during the same period.

The resources deposited in the account as established in this Section, less the withdrawals referred to above, shall be deposited quarterly with the Treasury.

The Aliens and Migration Department of that Ministry shall establish the administrative and accounting systems for the registration and control of all revenues and expenditures and shall carry out whatever bank reconciliation is necessary.

SECTION 163 : In order to apply the monetary punishments established in these Regulations, the fact that the offender has turned him/herself in or has come before the authorities to normalize his/her situation shall be deemed as a mitigating circumstance.

Moreover, the following circumstances, amongst others, shall be taken into account :

1. Family ties the offender has in the country;
2. Time he/she has resided in the country and place of residence and usual place of abode;
3. His/her level of education and financial standing;
4. Whether he/she is a recidivist or not;
5. The length of time he/she has been in breach, and
6. The offender's personal background information.

The above mentioned facts and circumstances shall be left on record in the offender's file and the administrative resolution of the case.

ARTICLE 3

CONTROL, TRANSFER AND DEPORTATION MEASURES

SECTION 164 : Any aliens entering the country without having complied with the requirements and conditions prescribed in these Regulations, who fail to observe their prohibitions or continue to stay in Chile despite their permits having expired, shall be subject to the immediate control of the relevant authorities and may be transferred to a place made available within the territory of the Republic.

Such measures shall be adopted for the time required for offenders to formalize their stay, if applicable, or, in view of the circumstances surrounding the infringements, for punishments to be applied.

SECTION 165 : In the event an alien is found in violation of any of the provisions in these regulations, police authorities shall proceed to take from them the necessary

declaration and withdraw their documents. They shall also be taken to a place for compulsory residence for the time necessary for the above purposes and be bound to appear periodically before a determined police unit.

All background information relating to the offence and the control measures adopted shall be notified to the Ministry of the Interior or the Regional Governor by the Chilean Investigations Police, for enforcing upon the offender any applicable punishments.

Attempting to avoid these control and transfer measures shall be grounds for deporting the person involved.

SECTION 166 : The controlling authorities may provisionally allow aliens to enter the country whose documents contain some sort of purely accidental omission or defect or whose authenticity is doubtful.

To such effect, the relevant documents shall be withdrawn and the corresponding Unit shall be notified, so that the Chilean Investigations Police might finally determine the authenticity of such documents or that, if applicable, control, supervision, transfer and deportation measures might be adopted as established in this paragraph.

SECTION 167 : The deportation of any aliens under these Regulations shall be ordered by a reasoned Executive Decree, signed by the Ministry of the Interior under the formula "By Order of the President of the Republic". The decree shall reserve the affected person the right to file all such administrative and judicial appeals as are legally permitted.

Nonetheless, the deportation of aliens holding tourist

permits or extending their stay in the country after the expiration thereof shall be ordered by resolution of the corresponding Regional Governor, without the need for any decree.

Deportation may be revoked or suspended temporarily at any time by the authorities having ordered it.

Without prejudice to the foregoing provisions, revocation and suspension may be adopted, with no further formality, by the Ministry of the Interior.

SECTION 168 : The transfer measures as referred to in Sections 164, 165 and 166 shall be ordered by the police authorities mentioned in Section 4, with a view to placing the affected person at the disposal of the corresponding judicial or administrative authorities. Such measures shall be ordered by the Head of the Police Unit having discovered the offender and shall be signed concurrently with the relevant complaint.

The transfer measure referred to in section 59 shall be adopted by the Ministry of the Interior. Any other measures established in these Regulations shall be deemed as part of the process for any crewmember left behind to rejoin his/her original crew, as an escort to the border or the embarkation abroad of the foreign offender and/or the person deported.

SECTION 169 : Foreign crew members referred to in section 67 who were to desert their corresponding carrier and who fail to qualify as tourists shall be deported from the country, without further ado, unless the corresponding carrier, the consular or diplomatic representative, as the case may be, or the interested parties themselves were to negotiate within a

reasonable term, their leaving the country or seek an extension of their crew permit. In any event, all expenses for their stay, transfer and deportation shall be paid for by the corresponding carrier.

SECTION 170 : To enforce compliance with the deportation measures provided for in this section, the Regional or Provincial Governors of jurisdiction shall be empowered to issue, if necessary, by means of a reasoned decree, a warrant to enter and search a premises.

The official or person undertaking the warrant to enter and search shall hand over a certified copy of the corresponding warrant to the owner, or in his absence, to any person of age who is present at the moment. If there were nobody, he shall attach the copy referred to onto the front door.

While searching, all useless inspections and unnecessary nuisance shall be avoided and force may only be used when strictly necessary and for the sole purpose of arresting the alien affected by the deportation measure.

The competent official shall draw up a detailed record of the inspection and remit it to the Regional or Provincial Governor.

SECTION 171 : Any alien entering the country through a place made available for entry while a decree or resolution for his/her deportation or leaving the country is outstanding, shall be returned, without further ado, in accordance with the provisions of paragraph 2, Section 19, without need for any new decree or resolution to be drafted that orders his/her deportation or leaving the country.

The police authorities shall so notify the Ministry of the Interior. In the event of recidivism, the offender shall be punished with short-term imprisonment in its minimum to medium degree, which shall also be notified to that Ministry for the purposes mentioned in Section 158 of these Regulations. Upon service of the prison term, he/she shall be deported without further ado.

The foregoing shall take place provided the offence does not constitute any of the offences dealt with in Section 145 and 146 or any other special regulations.

SECTION 172 : The Ministry of the Interior shall keep an updated record of all aliens deported or compelled to leave the country. It shall also remit a copy of the corresponding decree or resolution to the Ministry of Foreign Affairs, which shall notify the Foreign Service officials so that they refrain from issuing any visas to anybody affected by these measures.

If any visa were to be granted abroad, it shall not mean that the deportation decree or the decree ordering the alien to leave the country is repealed.

SECTION 173 : Deportation as provided for in these Regulations, shall be transmitted to the Chilean Investigations Police for their enforcement, and be personally notified in writing to the affected party by the same police authorities. The deportation order shall bear the signature of such authorities and indicate the date and time of service. Should the affected party refuse to sign it, note shall be taken of such fact in the notification, under the signature of the officers responsible for service **(Amended by Executive Decree 2,910/2000)**.

Any aliens affected by a deportation measure ordered by a reasoned Executive Decree, whilst being notified thereof, may declare his/her intention to appeal against the measure or to obey it. Express record signed by the affected party in the corresponding notation shall be made of his/her obedience or objection. In this case, deportation shall be carried out without further ado.

SECTION 174: With the exception of those subject to the situation prescribed in paragraph 2 of Section 167, the aliens whose deportation had been ordered by Executive Decree, may lodge an appeal for a claim before the Supreme Court, on their own behalf or through any member of their household, within 24 hours from the notification of the deportation order, or within the term appearing on the judicial table of citations, if notification is made outside Santiago.

Such appeal shall be reasoned and the Supreme Court, acting briefly and summarily, shall pass judgment for or against the appeal within 5 days from submission of same. Its lodging shall suspend the deportation order being carried out and whilst it is being dealt with the affected alien shall remain in custody in a detention center or wherever the Ministry of the Interior or the Regional Governor may determine.

SECTION 175 : After 24 hours from the alien being notified, in the case that no appeal is lodged or if such an appeal were to be rejected or upon lapse of the same period of time since the appeal was dismissed, the authorities referred to in Section 4 shall proceed to enforce the deportation ordered.

SECTION 176 : To carry into effect any of the measures

dealt with in this Chapter, the affected party may be subject to whatever restrictions and custody are strictly necessary for complying with them.

CHAPTER IX

**ORGANIZATION, DUTIES AND FUNCTIONS OF THE MINISTRY OF THE
INTERIOR AND THE ALIENS AND MIGRATION DEPARTMENT**

SECTION 177 : The Ministry of the Interior shall apply the provisions in Decree Law 1,094 of 1975, as amended, and these Regulations.

It shall also have the following special powers :

1. To propose national immigration or alien policy, reporting to the bodies involved in each case **(Amended by Executive Decree No. 1,665/97)** ;
2. To see to the compliance with alien laws and propose any amendments or additions thereto, and through the Aliens and Migration Department, enforce the provisions in Decree-Law No. 1,094 of 1975, as amended, and these Regulations;
3. To be aware of and notify the Ministry of Foreign Affairs any international Treaties or Conventions that may contain regulations on immigration or aliens.

The Ministry of Foreign Affairs, when negotiating, denouncing, reviewing or amending an international Treaty or Convention on alien or migration matters, shall consult with the Ministry of the Interior.

4. To make available, as mentioned in Section 7, the places for the entry and exit of aliens;
5. To establish, organize and keep a National Register of

Aliens;

6. To prevent and suppress clandestine immigration or emigration;
7. To apply such administrative punishments as are necessary upon whosoever is in breach of the rules established in these Regulations;
8. To normalize the residence status of those aliens who had unlawfully entered Chile or resided in the country or cause their leaving the country or being deported;
9. To give out instructions for an improved application of these Regulations;
10. To delegate to the Internal Affairs Authorities whatever powers as are necessary;
11. To declare, in case of doubt, whether somebody is indeed an alien.

For the purpose of the Services and Bodies belonging to the State, they shall provide all the background information and reports that are needed for a better resolution of each case. Decisions made on these matters may be subject to review on the request of the interested party, provided he/she brings forward new evidence.

SECTION 178 : The Aliens and Migration Department of the Ministry of the Interior shall :

1. Directly apply and supervise compliance with the rules in these Regulations;

2. To carry out whatever decrees, resolutions, orders and instructions are issued by the Ministry of the Interior in accordance with Decree Law N° 1,094 of 1975, as amended, and

these Regulations;

3. To keep up to date and in its possession, all lists and registers the Law and these Regulations are entrusted to the Ministry of the Interior;

4. To maintain proper technical coordination and communications with whatever officials of Internal Affairs are carrying out immigration duties as well as orienting and controlling the administrative acts proper thereto.

The Head of the Aliens and Migration Department, or his/her alternate, shall approve or reject all applications for permits and authorizations as referred to in Section 13 of these Regulations, with the exception of the resident visas with political asylum and permanent residence permits. The Department shall also resolve all matters entrusted to the Aliens and Migration Department in these Regulations.

CHAPTER X

MISCELLANEOUS PROVISIONS

SECTION 179: The Aliens and Migration Department of the Ministry of the Interior may grant a special document to aliens to whom a visa has been allocated in the country and who are stateless persons of countries lacking any consular representation in Chile or prevented from obtaining a passport. Such document shall be called a "RESIDENCE AUTHORIZATION" and shall only be valid in Chile to substantiate residence status for the same period of time as the visa granted.

SECTION 180 : The lower Courts of Justice and military tribunals, as the case may be, shall inform, within a maximum term of five days, the Civil Registry and Identification Service

and the Chilean Investigations Police of any cases against alien defendants in which writs of habeas corpus, convictions or indictments have been issued. In the regions, with the exception of the Metropolitan Region, such notifications shall be remitted to the regional units of the services mentioned, which shall also notify the central authorities within that term.

The Chilean Investigations Police shall make all this background information available to the Ministry of the Interior and inform it of the residence status in Chile of the alien affected by the judicial decision.

The Prison Authorities shall notify the Chilean Investigations Police in due time of the completion by aliens of prison terms imposed upon them in different correctional facilities and prisons throughout the country, and notify them the exact dates they are due for release on parole or after service of sentence.

SECTION 181 : Any authorities involved in the processing of applications referred to in Chapter VI shall take away whatever national documents had expired, such as identity cards, registration certificates, permanent residence certificates, work cards, residence authorizations and certificates of a general nature.

Likewise, the Ministry of the Interior, through the Aliens and Migration Department or whatever authorities are acting on its behalf, shall cancel any visas that have been revoked or which had lapsed prior to their expiry date in the cases dealt with in Section N° 39, paragraph 2, and Section N° 124.

The foregoing is regardless of the corresponding complaints

from the appropriate authorities, if the affected party had incurred in any offences under Decree Law N° 1,094, as amended, and these Regulations. The documents taken away monthly shall be remitted to the issuing authorities.

SECTION 182 : Decree N° 1.306 of October 27 1975 and published on February 16 1976, which approved Aliens Regulations is hereby repealed, as well as decrees numbers 802 of 1976; 174 of 1977; 317 of 1977; 294 of 1977; 576 of 1977; 53 of 1979; 124 of 1979; and 126 of 1979, all issued by the Ministry of the Interior.

CHAPTER XI

PROVISIONAL REGULATIONS

PROVISIONAL SECTION : Those aliens who have obtained an identity card prior to the enactment of Law N° 18,252, shall keep their identification. Nevertheless, regarding them, the Civil Register shall, by operation of law, proceed to make all corresponding marginal notes in its registers of the forenames and surnames of all aliens in accordance with their passports or whatever document they used for entering the country.

These marginal notes shall be made the moment any renewals, changes of identity or other formality is undertaken involving an alien, requiring them to submit, for this purpose, their passports, consular certificate or any other document used to enter the country.

Also, at the request of the interested party, the Civil Registry and Identification Service may admit applications from aliens who are subject to the situations envisaged in paragraph one and who seek the issuance of an identity card under the

forenames and surname in their passports or documents used to enter the country, in which case their identification shall be changed, keeping the previous one as marginal note in its registers.

All administrative instruments that are involved in these identity changes shall be notified to the Ministry of the Interior and the Chilean Investigations Police so that they might order the corresponding marginal notes to be carried out in the registers of aliens kept by these Departments.

The Civil Registry and Identification Service shall inform the corresponding Court, within a 5-day term, of any indicted or sentenced aliens whose identity has been changed in accordance with the provisions of this Section or Section 109.

Let it be annotated, noted, notified and published in the Official Gazette- AUGUSTO PINOCHET UGARTE, Army General and Commander in Chief of the Army, President of the Republic.- Sergio O. Jarpa, Minister of the Interior.