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Of all the legal legacies Chile inherited from its 20th-century military dictatorship (1973-1990), none are perhaps more divorced from 21st-century realities than the country’s immigration system. On that, Chileans of all political stripes and sensibilities can agree. But there is little consensus on how exactly the outdated rules and regulations should be reformed, or what other changes the country should make to accommodate the growing and increasingly diverse foreign-born population.

Issued by decree in 1975, the Ley de Extranjería y Migraciones (foreigners and migrations law) was designed, among other things, to protect the country from leftist infiltrators. It expressly prohibits, for example, entry of people “who propagate or foment, either by spoken word, writing, or any other means, doctrines that aim to destroy or alter by violence the country’s social order or system of government,” the Spanish daily El País recently reported.

Most would concede that the Cold War-era legislation is ill suited for the current age of globalization, which has seen a growing number of foreigners—drawn by Chile’s political and economic stability and relatively high standard of living—make their way to Chile and establish residency there.

Prior to 2011, according to data collected through the government’s Encuesta de Caracterización Socioeconómica Nacional (National Socioeconomic Characterization Survey, CASEN), foreigners represented between 1% and 1.4% of Chile’s total population. By 2015, they represented 2.7%, a low figure compared to the percentages in many developed countries but high by the standards of South America, where on average, less than 1.5% of the population is foreign-born, UN studies suggest.

As of November 2015, the total number of legally registered foreigners had risen to approximately 477,000, a 132% increase since 2002, according to the Departamento de Extranjería y Migración (Department for Foreign Issues and Migration, DEM). Nearly 36% of foreign residents hail from Peru. Another 13.3% are of Bolivian origin, and 11.4% come from Colombia. There has also been an influx recently of Haitian and Dominican immigrants. A significant number of US citizens, including retirees, and Europeans, particularly from Spain, have moved to Chile as well.

Many of the newcomers establish roots in the country and stay. The DEM reports that between 2005 and 2014, the number of immigrants applying for permanent resident status rose 202.5%, from 11,907 to 35,024. There has also been a sharp increase of late in the number of marriages between Chileans and foreign-born residents. The Registro Civil (Civil Registry) reported 1,429 so-called “mixed marriages” in 2011. In 2015 there were 5,144.

New neighbors
The immigrant influx has resulted in longer lines at DEM centers and Registro Civil offices, along with confusing administrative scenarios regarding the newcomers’ access to public services and school enrollment. In some communities, Chileans are also being confronted with obvious but unfamiliar demographic developments. With the arrival, for example, of Haitians and other...
immigrants of African descent, there are now black people in a country where there had been virtually none.

“We’ve gone from a country that was to a certain degree homogenous to one that is ethnically diverse. And it happened quickly, in just the last five years,” Cristián Parker, a professor at the Universidad de Santiago’s Instituto de Estudios Avanzados (Advanced Studies Institute), told the daily La Tercera earlier this month.

And while some celebrate the country’s growing diversity, others are alarmed and even angry about the changes. In the northern city of Antofagasta, residents have held a number of anti-immigrant rallies in recent years. There, immigration—combined with inflated housing and food prices—has produced a sharp increase in the number of shantytown settlements, known locally as campamentos. There are now 56 such settlements, double the number from a year ago, according to TECHO-Chile, a non-governmental housing organization.

“Nowadays we can see rows of campamentos, made up of a high percentage of migrants, in the hills of Antofagasta,” the organization’s social director, Valentina Latorre, said in an August 2016 interview with La Tercera. “[The residents] are incredibly vulnerable … they are families that don’t have any networks, and who are constantly discriminated against.”

**Tough talk**

Authorities have promised for years to better address the country’s immigration situation by scrapping the decades-old Ley de Extranjería y Migraciones and replacing it with something that “reflects the era of globalization in which we live,” as President Michelle Bachelet said last month. Her conservative predecessor, Sebastián Piñera (2010-2014) (NotiSur, June 18, 2010, June 10, 2011, June 15, 2012), submitted legislation to that effect in 2013. Congress eventually shelved the bill, however, due to opposition from the left. Bachelet, who replaced Piñera in 2014, said she, too, would propose a new Ley de Extranjería y Migraciones, but as of late last year, she had yet to deliver.

That’s when the conservative opposition—with an eye on the presidential and parliamentary elections to take place this year on Nov. 19—decided to stir the political pot with an initiative, introduced last November in the lower house of Congress, to stiffen the country’s immigration rules. Among other things, lawmakers from the rightist coalition Chile Vamos (Let’s Go, Chile) (NotiSur, Dec. 2, 2016) want to make it more difficult for would-be immigrants to obtain residency visas. They also call for clear penalties (fines and/or expulsion) to be exacted on anyone who violates the country’s immigration rules.

The move coincided with declarations from the right’s two most likely presidential candidates—Sen. Manuel José Ossandón and ex-President Piñera (NotiSur, Oct. 14, 2016)—defending the need to crack down on immigration. “The doors of the country, just like those of a house, open, but not for everyone,” Ossandón wrote on his Facebook page. Piñera took an even harder line, suggesting in an interview with La Tercera that immigrants are responsible for some of the country’s crime problems. “Many of the criminal gangs in Chile, like on the ones that clone credit cards, are made up of foreigners,” he said.

**Theory versus practice**

The rhetoric proved controversial, with more than a few critics accusing Chile Vamos of populist pandering in the style Donald Trump, the controversial new US president, who promises to build
a wall to block immigration from Mexico (SourceMex, Aug. 24, 2016, Nov. 16, 2016, Jan. 18, 2017).

“Ex-President Piñera and the Chile Vamos legislators have been infected by the thinking of Donald Trump,” Daniel Melo, a deputy with Bachelet’s Partido Socialista (Socialist Party), told reporters.

Various law officials, for their part, were quick to point out that there is no statistical evidence suggesting immigrants commit crimes at a higher rate than people born in Chile.

But the hubbub did prove to be effective at positioning the immigration issue front and center on Chile’s political stage and forcing the hand of the Bachelet administration, which promises to finally submit its own revised version of the Ley de Extranjería y Migraciones in the coming days.

The talk on the left is of emphasizing the human rights of immigrants and protecting the country’s reputation as a welcoming place for newcomers. “Immigrants, with their diversity and desire to get ahead, are a contribution to Chile in many senses,” Bachelet said in December. “We’re an open and welcoming country, and we’ll continue to be that ... Just as we want our compatriots to be treated well abroad, we too need to take care of people from other countries who live, work, and contribute in Chile.”

In practice, however, the government’s proposals may end up stiffening immigration rules to some degree, making it harder for foreigners to acquire work permits and residency papers. And if Bachelet really hopes to get the new immigration law through Congress before her term ends early next year, she could very well make further law-and-order related concessions before it’s all said and done. None of this is likely to sit well with sectors on the far-left—which accuse the Bachelet administration of consistently and unnecessarily kowtowing to conservative pressure—or with a growing pro-immigrant lobby that has already organized a number of street demonstrations.

“We’re here to say that this new law not only address the administrative needs of foreign people, but also the ethical and moral fabric of Chilean society,” Patricia Loredo, head of an organization called Colectivo Sin Fronteras, told Diario Uchile during a Jan. 15 demonstration in Santiago.

“Provided we can build an inclusive society, where citizens aren’t divided into first and second class, Chilean society won’t have the cohesion, fragmentation and exclusion problems we’ve seen in other countries.”

-- End --