



ISSN: 2230-9926

Available online at <http://www.journalijdr.com>

IJDR

International Journal of Development Research

Vol. 15, Issue, 03, pp. 67868-67874, March, 2025

<https://doi.org/10.37118/ijdr.29254.03.2025>



RESEARCH ARTICLE

OPEN ACCESS

MIGRATION POLICIES AND NORMS IN CHILE, 1975 TO THE PRESENT: NATIONAL VERSUS HUMAN SECURITY

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ARTICLE INFO

Article History:

Received 20th January, 2025

Received in revised form

27th January, 2025

Accepted 22nd February, 2025

Published online 27th March, 2025

Key Words:

Mission-oriented policies; national security; human security; securitization; state capacities; migration policies; migrant rights; migrant welfare.

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ABSTRACT

A discussion of Chilean migration policies is merited for several reasons. International migration to Chile has grown exponentially recently, giving rise to social discrimination against migrants and restrictive regularization processes for undocumented migrants. The state needs to adequate its institutions, norms, and infrastructures to absorb the new migration flows. The study analyses migration policies in Chile in three periods: General Pinochet's dictatorship (the law of 1975), the amendments to the law made during the democratic governments that followed, and the policy that has been implemented since 2022. It is a qualitative study that reviews specialized bibliography and secondary data from institutions related to migration, comments critically on a relevant report on the latest law and develops a content analysis of legal documents and presidential instructions on migration in terms of a mission-oriented model. The study finds that the aims of the migration law and policy are fragmented and to contradictions between policy formulation and practice. This has produced new social conflicts, a lack of state leadership and legitimacy with regard to migration (because horizontal and vertical coordination between agencies is limited), polarized social opinions, and non-inclusive public engagement, all of which have negative effects upon migrants' integration, welfare, and rights.

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Citation: Liliana Acero and Pablo Zuleta Pastor, 2025. "Migration policies and norms in Chile, 1975 to the present: National versus human security". *International Journal of Development Research*, 15, (03), 67868-67874

INTRODUCTION

The history of migrations illustrates the multiple associations between the migration process and the welfare of migrants (Hollifield and Wong, 2014) as they confront a number of types of adversity. International migration has been increasing in Chile, especially in the last five years. Between 2015 and 2019 Chile was one of the top three countries in Latin America in terms of the increase of the proportion of the foreign population in the total population (Stefoni and Contreras, 2022). According to the National Institute of Statistics of Chile, as of December of 2023, the number of foreign-national residents was 1,625,074. In terms of demographic characteristics, men slightly outnumbered women and the majority (57.8%) were residing in the Metropolitan Region of Santiago de Chile (INE, 2023). In the present study, which forms part of a wider international research project, one aspect of the subject "state response to migrants' demands" is discussed. The aim of this work is to analyse the public policies that support an 'ordered' or 'acceptable' migration and that take into account the country's interests, in contrast to policies in favor of a 'massive' or 'restricted' migration, as a product of either minimal or excessive state control (Vasquez *et al.*, 2021; Domenech, 2018). The state and its policies have a fundamental role in the way the egalitarian integration of migrants takes place in the host society. In the case of Chile, a discussion of migration policies is especially

pertinent for several reasons. First, the treatment of migrants in Chile (versus settlers recruited by the state historically) has been marked by successive forms of discrimination. In recent years the discrimination has become more acute, with the migrant person represented as a social threat (Penchaszadeh and Garcia, 2018; Stang, 2016; Thayer, 2019; Finn and Umpierrez de Reguero, 2020). Second, policies are oriented toward expulsion or too restricted and presented in disorganized ways, so that migrants do not know what to expect with regard to regularization processes by which they can obtain long-term stability in residency and have their rights recognized (Thayer Correa *et al.*, 2020; Thayer Correa *et al.*, 2022). Third, the country has not achieved an orderly immigration because the state has not brought up to par the institutions, norms, and material and service infrastructures that promote the absorption of migration flows (Navarrete Yañez, 2017; Thayer Correa, 2021). Fourth, the gaps in policy have eroded social cohesion and given rise to a range of new social conflicts (Oyarzun Serrano; Aranda and Gissi, 2021; Stefoni and Contreras, 2022). In light of these problems, it is important to analyse whether migration policies have taken or are taking them into consideration or to what extent they have ignored them.

The main aim of this study is to discuss the trends inherent to the migration policies designed in Chile in two different periods and their modifications during the transition from an authoritarian to democratic governments. Based on this brief description of the

importance of public policies in the welfare of migrants, the following interrelated questions will serve as the foci of investigation:

- Which have been the characteristics of the most recent two overarching public policies associated to international migration implemented in Chile and how have these policies been coordinated by the state?
- What effects do these policies have on the rights of international migrant populations settled in Chile?

First, the paper presents the theoretical and methodological framework of the study; second, it discusses the national migration policy implemented during the dictatorship and the successive changes it underwent during the democratic governments that followed. Then, it describes the present national migration policy (PNME) based on some critical reflections that appeared in a commentary produced by an institution that works to support migrants. The paper ends with a table that summarizes the characteristics of the recent migration policy using the categories of a model of mission-oriented policy and illustrates some of the recent policy's main gaps.

Theoretical Considerations: In an era of human mobility across geographical frontiers and between regions that is ever increasing and quite unpredictable, dynamic capacities in state agencies that are related to policy-oriented missions are crucial to the design and implementation of public migration policies. Adapting the theoretical model of Kattel & Mazzucatto (2018) to the context of international migrations, mission-oriented policies try to solve concrete problems through social interventions and actions with specific goals, especially in contexts marked by constant change and high degrees of risk and uncertainty. The drivers of change do not derive solely from the economic and political domains; they also include social welfare and public well-being. They require the structuring of new institutional forms, as well as the fostering of arguments in favor of migration within the social imaginary of administrative bureaucracies. State coordination must define clear aims, have social legitimacy, and display leadership. Public policy requires predefined objectives, a high degree of coherence, and the possibility of experimentation and evaluation. In addition, there is the need for bureaucracies to develop substantive operational capacities for those policies to be implemented, evaluated, and adjusted so that they can be productive for society as a whole and the most vulnerable groups while maintaining a perspective that respects civic and human rights. Public policy implementation is in the hands of officials who have their personal beliefs and visions regarding migrants i.e. tacit knowledges. More specifically, the policies' enactment is co-produced by the norms and protocols that are officially approved and the subjects who implement them in practice; in this scenario, there is a close relationship between knowledge and power. The form of coproduction relevant to the present study is that between public policies and society, which is based on civic epistemologies on migration processes and reflects specific cultural meanings. Types of tacit knowledges are defined by (Jasanoff, 2006, p. 127) as "A combination of ways in which knowledges are produced, presented, checked, verified and put into practise in the public arena."

The present study applies the articulation of these two theoretical models, that of mission-oriented policies and that of civic epistemologies, in innovative ways to the study of Chilean migration policies within the framing of measures that deal with human security, national security, or securitization. These three central concepts in the analysis will be defined next. Even as international migration flows continue to grow, the human security experienced by migrants in host countries is still minimal. According to Resolution 66/290 of the United Nations General Assembly, "*Human security* is an approach that helps member states to determine and overcome generalized and inter-sectoral difficulties that affect survival, means of subsistence and the dignity of its citizens" (<https://www.un.org/humansecurity/es/what-is-human-security/>). This approach's main aim is to find the causes of the different type of migrant vulnerabilities and to intervene early on during critical situations. It

helps reinforce individual and collective resilience and may increase social cohesion and positive responses to migration. In contrast, locally the concept of *national security* is contained in the National Security Doctrine (Decree-Law 1.094) approved in 1975 and imposed in the country during the dictatorship of President General Pinochet. It is based upon the U.S. ideology that, after the Second World War, consolidated that country's domination of Latin American countries (Rivera, 2002); in this process, conventional wars were replaced by ideological ones (Ansaldi and Giordano 2012). Applied to Chile, it had "the clear implicit purpose of impeding the entry of 'agitators'—the indirect action of communism—that could threaten the 'internal order' [own translation]" (Stang, 2016, s/n). National security was codified in paragraph 3 of Article 1 of the Political Constitution of Chile, "It is the state's duty to guard national security, protect the population and families" (Ferrada Celis, 2020, p. 31). This, originally a concept linked to the common good, was distorted during the time of the Pinochet dictatorship. The concept of human security has as its core aim the safeguarding of individuals' well-being, while national security focuses upon the state's internal and external duties to ensure society remains stable, prevent detrimental changes, and enforce organizational norms aimed at social cohesion and implemented by, for example, the armed forces, Congress, the police, and so on. Finally, the concept of *securitization* (from the Copenhagen School) refers to the possibility of a certain topic's beginning to be regarded as a threat to the existence of the state itself, which would trigger a public emergency action located outside the habitual politics of the government (Cordeiro and Pereira, 2019). In this sense, the migration process in Chile has come to be seen as a threat to society and to the state on the basis that it is characterized by drug trafficking and delinquency. This vision has often led the state to put in place more restrictive procedures for the entry and regularization of migrants (Thayer Correa, 2021; Stefoni and Contreras, 2022) and it entails treating them as potential enemies.

METHODS

A bibliographical study was carried out that involved a search in selected academic journals (*Polis*, *Migraciones Internacionales*, *Journal of International Migration and Integration*, *International Migration Review*, *Migration Studies*, *Migration Letters Journal*, *Interdisciplinary Journal on Human Mobility*, *International Journal of Migration Studies*) for articles written by migration policy specialists on Chile. The keywords "migrations," "migration policies," "national security," "human security," "migrants," "securitization," and "social discrimination of migrants" were used. A total of 25 articles were selected on the basis that they focused on topics related to our study.

Secondary data were collected from sources such as relevant state agencies, international organizations with a presence in Chile (the International Organization for Migration [IOM] and the United Nations Refugee Agency [UNHCR]), and prominent civic society associations (The International Coordinator of Migrants, the Jesuit Service for Migrants [SJM], the Observatory of Migration and Human Mobility, and the Venezuelan Association in Chile [ASOVEN]) via websites, online platforms, and reports. The information was read several times to establish the local context for policy development; content analysis was not carried out at this research stage. The criteria used to draw a socioeconomic and political context in Chile that led to the design of migration policies were "migratory regularization", "irregular migration", "international migration", and "migration policies". Also, a summary and brief critical commentary on a document produced by SJM in 2024 were prepared that emphasized the latest migration policy's favorable and unfavorable aspects and its gaps. A qualitative documentary study on the main policies and decrees released by state agencies on migration and of presidential instructions was also undertaken. Only the two main migration policies (1975 and 2021) were analysed for content, along with the modifications made to the first law during the democratic transition. The content analysis followed the formulation of Mulkay (1993, p. 723–724), in that it attempted to identify

“discourse regularities, in form and content, that are based on pre-existing socio-cultural beliefs and reveal an interrelated set of background assumptions.” Convergences and divergences between the visions of different social actors were distinguished, as were subtle variations between the two extremes. As the first step, narratives were classified according to prevalence of topic and then compared with keywords that reflect recurrent themes or matters of concern (Acero, 2022). The keywords and phrases included the documentation process, state actions, institutions, social interventions, legal and administrative gaps, disaggregated variables in the available data, production and access to data, and challenges and questioning.

RESULTS

Migration Policies in Chile

The Previous Legislation and its Modifications: Many of the new migration flows into Chile since the 1990s unfortunately encountered an authoritarian migration law enacted during the civic-military dictatorship of General Augusto Pinochet (1973–1989), based on the Decree-Law N°1094 of 1975. This policy “does not recognize the right to health, [does] not even refer to it. It does not recognize either other human rights such as education, housing, access to justice, among others” (Centro de Derechos Humanos, 2015 p. 283). This regulatory framework remained in place till 2021, through the democratic governments that followed the dictatorship, with minor modifications. Because it was grounded in the National Security Doctrine, the 1975 law was marked by large gaps in relation to human rights. The law was driven by the desire for frontier control broadly and the prohibition of entry of potentially subversive people from the point of view of the regime specifically, rather than on a humanitarian perspective on the living conditions of migrant persons (Vasquez *et al.*, 2021; IOM, s/n; Stang, 2016). State capacity was very limited and inter-sectoral coordination was not prioritized. The law has been officially evaluated as insufficient and inadequate for addressing the complexities of the current migration process with the significant increase in numbers that has been seen. There are existing obstacles in the regularization of migrants that reflect the minimal capacities of public entities to expedite the process (SERMIG, 2023). In the years of the violent civic-military dictatorship, Chile was a country that expelled residents, among them a contingent of approximately 500,000 citizens and foreign nationals who were first persecuted and then exiled for political reasons. By contrast, in the past 30 years following the return to democracy Chile has become a country that takes in migrants, resulting in an exponential increase of foreign residents that testifies to the occurrence of substantive changes in migration patterns and dynamics (SERMIG, 2023; Burotto *et al.*, 2011).

During the governments of the social democratic political alliance, Concertación, three attempts at migrant regularization were made (Stefoni and Contreras, 2022). The first regularization of migrants’ residence took place during the government of President Frei (1994–2000) and was directed to the three main groups of foreign nationals: Argentinians, Peruvians, and Bolivians (Polloni, 2024). At that time, 22,000 individuals became regular and the management of public services was modernized. Between 2000 and 2006, during the government of President Lagos, several sectoral public policies were formulated in at ministerial level that were more inclusive and had the goal of the wider social integration of migrants, especially with regard to health and education. The International Convention on the Protection of Rights of all Migrant Workers and their Families; the Protocol to Prevent, Repress and Sanction Human Trafficking; and the Protocol against the Illicit Trafficking of Migrants by Land and Sea (Machin, 2011) were ratified and Decree N° 2.910 (2000) was approved, which enabled a migrant to obtain authorization to work even when their residence permit was being processed (Vergara Quezada, 2014). The second regularization process took place in 2008 during the first government of President Michelle Bachelet (2006–2010), with Presidential Instruction N°9/2008 as the legal basis, and covered 20,000 persons (Solimano & Tokman, 2006; Stefoni, 2011).

For the first time, the need to manage migration by means of a governmental program was made explicit via the slogan “Chile, host country” (IOM, s/n). New public policies were put in place that were oriented to the protection of the most vulnerable types of migrants: children and/or pregnant women. In particular the latter, even those with irregular status, were now able have their pregnancies medically regularly checked and to receive treatment during labor.

During the first government of President Sebastián Piñera (2010–2014) the Refugee Law (Law 20,430) was modified, as was Law 20,507, which classified the crimes of illicit trafficking of migrants and people in general. The Law on Migration and Foreigners was presented in the Chamber of Deputies, an alternative to that of 1975, but it did not advance to the Senate (Torres Matus, 2017). During the second government of President Bachelet (2014–2018) the policies put in place in her previous term were reinforced through a new instruction, Presidential Instruction N 5 /2015, which had as its goal the granting of full equality under the law to migrants. The specific domains addressed related to health, housing, education, culture, and justice, using criteria such as non discrimination, human rights, and the promotion of a vision of migration closely aligned with the international standards ratified by Chile. The instruction presented 15 themes that represented substantial advances. Among them were a transversal perspective on human rights and gender, an egalitarian access to justice, interculturality, employment as a mechanism for social integration, the facilitation of persons mobility (within the country requiring no extra permits), and interconnection between migration policy and management. Measures for achieving inclusion were strengthened, especially regarding migrant childhood and stateless children and a labor visa was created to facilitate the entry by migrants into the labor market. Moreover, the need to move toward a national system of migration was stated explicitly. However, in 2017 Congress dismissed an initiative to debate a new integrated proposal on migration policy and law. In 2015, visas depending on labor contracts were introduced per direction from the International Labour Organization (ILO, 2016), which resulted in an increase in the number of Haitians’ entering the country. Health agreements were also signed establishing that, independent from residency status, migrant people were eligible for medical treatment. This change largely benefited pregnant women and children under 18 years of age, but it did involve emergency health care as well. Other agreements confirmed the educational rights of migrant children and youth whether they were regular or irregular (Mendoza-Mendoza and Lazzaro-Salazar, 2018).

During the second government of President Sebastián Piñera (2018–2022), the third process of migratory regularization took place. An online visa system was created that included a visa of democratic responsibility (DRV) that initially allowed for the entry of a large number of Venezuelans into Chile, but that was subsequently canceled by the same government. The Chilean authorities then initiated a massive expulsion of migrants from the country started on June 18th of 2018 and continued during 2020 and 2021. Around five waves of expulsion have affected irregular migrants, which were contrary to international conventions on human rights and the ruling of the Inter-American Court of Human Rights (SJM, 2021; Campos, 2021; Stefoni and Brito, 2019). These actions were indirectly justified by the growth of drug trafficking within Chile instigated by Venezuelan and Colombian organized crime (Bravo Acevedo, 2024).

The expulsions were reported on in sensationalist ways by the local media, with migrants shown in handcuffs and white prisoner uniforms (Stefoni and Brito, 2019; Campos, 2021). The media narratives aligned with the political discourse on “putting the house in order”, expressed by the government, that represented migration as a social problem (poverty and vulnerability among Haitians; economic instability and violence among Venezuelans) and described it in racialized and stereotyped ways. In the context of the closure of frontiers during the COVID-19 pandemic, many people resorted to unauthorized corridors to enter the country, a problem that still has not been remediated. Following Polloni (2024), two types of migration irregularities exist today: that provoked by the

humanitarian crisis and the flaws in the 1975 law and that of the entry into Chile by unauthorized pathways. The SERMIG (2023) states that beginning in April 2018, a number of general administrative measures were implemented even while the present legislation was being developed. These included changes in the processing of temporary residence visas and the cancelling of work visas. Three other measures that immediately affected the Haitian population were also introduced. The first was the requirement of having a tourism consular visa of 30 days' duration and the second was the creation of a humanitarian visa for family reunification lasting 12 months. The third was the Plan of Voluntary Return, which provided for free flights back to Haiti for migrants with the stipulation that people who chose this option had to wait nine years before returning to Chile (Mercado Órdenes and Figueredo, 2022).

This plan ignored international humanitarian standards, because of its restrictions on the type of Haitians accepted to apply, sent back without the company of local authorities, and unjustified prohibitions on re-entry. Several authors have characterized this measure as an implicit form of deportation and a manifestation of the state's racism (Ceciliano-Navarro and Golash-Boza, 2020; Stang *et al.*, 2020). From 2018 forward, consulate visa requests from outside Chile were prioritized with the aim of regulating and eventually diminishing migration flows. The changes in norms have been justified by SERMIG as having been prompted by the entry of individuals as tourists who in reality are looking to settle in the country and then face difficulties in acquiring resident status. In other words, the measure was formulated to only appear as a protection of migrants from a humanitarian and human rights perspective, which was not the case (Ramis, 2024). In line with these trends, after many years of negotiations within Congress a new migration law was approved in 2021, The Law of Migration and Foreigners (Law N° 21.325). It incorporates some advances in rights and guarantees for migrant persons, but it still presents many aspects of continuity with the national security approach of the previous law (Roessler *et al.*, 2022). The successive modifications of the original piece of legislation have converged into a fragmented development, with advances, regressions, and contradictions. Public governmental actions accommodate or even induce migration flows that are expected to have different type of impacts on the local socioeconomic structure. As a consequence, extreme conflicts have arisen with the hegemonic culture in a society like that of Chile, which some authors have characterized as racist, as having a fear of interculturality and diversity, as being interested in maintaining stability and the public order, and as upholding the idea of the racial and cultural superiority assigned to white men (for example, Donoso Toledo, 2022; Riedemann and Stefoni, 2015; Tijoux, 2014).

The Present Migration Law and the National Policy on Migration and Foreigners: The new Law on Migration (Law 21.325), which went into effect on February 12, 2022 (SERMIG, 2023), constitutes the beginning of a new institutional and administrative framework that continues to be co-constructed by a range of social sectors (Observatorio de Migraciones y Movilidad Humana, 2023). This law is the result of several negotiations to balance different ideological and political perspectives concerning the regulation of migration (Caro & Quitral, 2023). In the law, the state commits to the development of a National Migration and Foreigners Policy (PNME). As of December 26, 2023, the different state agencies are required to adhere to it. The goal is an orderly, secure, and regularized migration that contributes to the country's development, considers the needs of the local territories, and fosters the harmonious integration of migrant persons while respecting their rights (SERMIG, 2024) [<https://serviciomigraciones.cl/politica-nacional-de-migracion/>]. The policy focuses on two different topics, the first of which is increasing the capacity to control the country's frontiers more efficiently and the second of which is improving access to the documentation required for the regularization of the migrant population already living in the country. It makes the claim of paying particular attention to human and children's rights, gender, and interculturality.

DISCUSSION

A very detailed follow-up report on the formulation and design of Law 21.325 and the policy was produced recently by the SJM (2024) that forms the subject of this section. We present a brief commentary on this document and limit our critique to those themes that represent regulatory innovations or have generated social controversy.

Innovative Measures: Some measures in the new policy diverge substantially from those associated with the 1975 law and from the amendments introduced during the 1990s under the subsequent democratic governments. For example, the report contends the new policy has features that favour migrants integration, a claim with which we agree. These are (a) the emphasis placed upon cultural mediation between municipal officials and social leaders to prevent or mitigate conflicts and social discrimination, (b) the facilitation of the inclusion of irregular migrants in the public health system, and (c) the publication of clear rules for the validation of foreign university degrees. Regularization by grace is available in cases of family reunification, labour relationships, and to women engaged in caregiving (it is unclear whether this refers to women providing care in their households or those doing so as part of formal and informal employment). However, this type of regularization is open only to migrants who entered Chile prior to June 2023, which means the legal rights of later migrants are restricted. A new key policy measure is the approval of humanitarian visas for survivors of gender violence and victims of trafficking without their having to appear in court. This reflects a critical vision of gender relationships that has permeated the local society. We would add that the number of foster homes for migrants nationally available (44) should be increased, as well as the number of policewomen trained to deal with migrant victims of gender violence and/or who have any specialization in migrant issues. Given the growth of the feminization of migration, these type of measures could also eventually contribute to the questioning of the gender stereotypes that are prevalent among some migrant nationalities (Stang *et al.*, 2020). Humanitarian visas have also been created to address the large recent flow of migrant children and adolescents. These visas will be granted even when caretakers lack the necessary documentation. As of 2023, 198,266 migrant children and adolescents resided in the country, representing 13.4% of the total population of migrant people (UNICEF/INE/SERMIG, 2023). This measure, we think, reveals a widely held civic epistemology in Chile that is focused on the protection of minors. An innovative measure regarding complementary protection has been created that is available to foreigners whose requests for refugee status have been legally dismissed. However, irregular migrants must apply for the relevant visa 10 working days after entering the country and must present the necessary documentation to process their request during the following 10 working days. These conditions make the system almost unviable. It is our assessment that they reflect pre-existing cultural beliefs among Chilean officials, who are reluctant to accept refugees as residents, although the proportion of refugees in Chile compared to countries such as Mexico, Brazil, or Panama, is quite small, according to an Amnesty International report of 2023 quoted by Ceballos (2024). Human mobility that is driven environmental crises is also considered by the new policy. Multisector collaborations in emergency situations have been proposed to prevent any associated forced migrations. We believe that the new policy's recognition of the potential effects of climate change upon migration should be considered as a significant step forward from previous policy formulations. However, we think the PMNE should make explicit how such crises will be forecasted and present updated planning for preventing or mitigating them.

Inconsistencies and Contradictions: The report under discussion points out significant inconsistencies in the new policy that we think arise from the remnants of authoritarian assumptions embedded in the law from 1975. For example, approximately two-thirds of the guidelines in the new policy try to expand the causes for migrant expulsions, allow local police to revoke temporary visas due to misdemeanours, and extend the prohibitions of people's entry into the country.

Table 1. State Dynamic Capacities in Mission-Oriented Migration Policy in Chile

Levels	Aims	Characteristics	Factors
State	Few clearly directed aims mainly based on national security	Legitimacy in gradual construction and showing conflicting or polarized opinions	Weak and ill-coordinated leadership; limited, selective, and noninclusive public engagement
Public Policies	Partial, formal but with some abstractly defined aims/ measures hard to implement	Medium consistency/ ambivalences and gaps/ minimal coordination between agencies	High though disorganized experimentation/ erratic and without a set pattern
Administrative and Operational Capacities	Low/poor and with substantive implementation obstacles	Differences according to agencies/ minimal coordination between agencies and stakeholders	Initial level with no evaluation/ unplanned or unforeseen changes

Source: The present study

SERMIG, an administrative authority, is designated as the institution in charge of executing the expulsions, concerning which there is no requirement that the judicial courts be informed (Thayer Correa, 2021). The new policy also restricts the ability to appeal to the Supreme Court of Justice—an important infringement of rights. We think that these measures are in contradiction to the defense of migrants' legal and judicial rights at which the policy states it aims (Thayer *et al.*, 2022). They manifest civic epistemologies where a securitization tenor prevails, i.e., the migrant is regarded as an enemy or menace. We also believe that one of the most concerning aspects of the PNME is the compulsory biometric enrolment of irregular migrants. If this is not addressed, it could lead to sanctions and/or deportations. Furthermore, the policy does not propose a clear regularization pathway toward obtaining permanent residency. Extraordinary regularization eventually available to all type of irregular migrants within a certain period of time, one of the procedures promised in the speech given by the Minister of the Interior during the public announcement of the law, is not described within the policy (Tohá, 2023). Biometric enrollment appears as a variation among the convergences between the new policy and the older version from 1975. Its inclusion has been sharply criticized by academics, migrant collectives, and civic society organizations (Oyarzún Serrano, *et al.*, 2021; Concha Villanueva, 2018; Doña-Reveco, 2023). In agreement with key points in these critiques, the policy is to be considered a restrictive one. In our opinion, we add that it may even make discrimination against migrants and socially excluding stereotypes more prevalent, such as when migrants are associated with delinquency. The policy made explicit the destination of a larger amount of funds, modern equipment, employment of, and training for frontier control officers.

More resources were allocated to border security than to social programs and the protection of human security. The frontier control zone was also expanded another 10 km. We think that this expansion, in spite of the negotiations that will take place, could lead to new territorial conflicts with neighbouring countries. The report under analysis also offers proposals to reform the implementation of the new policy. These have the general sense of regulating more clearly the roles of institutions and defining responsibilities in terms of the administrative functions of agencies and officials. We think this is a very important reflection, because it points to correcting negligence that is currently occurring, although it has been not officially reported and evidence for it is lacking. These reforms emphasize the need to train public services officials who work directly with migrants and general public administration, order and security officials. The commentary also suggests that a permanent line of communication with migrants and their associations be established. However, given the report's emphasis on the subject of training, we think too much trust and expectations have been placed on the extent to which training can help change civic epistemologies that socially discriminate against migrants. Instead, creating shared spaces for face-to-face encounters—seed work—could have a greater impact in sensitizing officials concerning migrants' needs and culture (Acero & Zuleta Pastor, 2024). To improve the relationship between the state and civil society in Chile, the report suggests organizing a "hosting network" to receive new migrants, developed and coordinated with the relevant territorial organizations, that would participate in the

activities of the Ministry of Social Development and Family as well as of the Migration Council. Although we think this initiative could help with the long-term integration of migrant populations' ways of knowing, the report does detail what this initiative would imply in terms of practical, organizational, and culture-related work—in other words, its viability in the short term. In order to promote access to accurate information on the new migration policy, the report suggests updating the different public websites and the creation of dissemination channels in authorized frontier corridors and shelters, as well as the designing of nationwide campaigns led by government authorities. We agree with this proposal, but we emphasize that it should be done in cooperation with migrant collectives and make use of forms of expression and materials that migrant populations are able to understand. The report presents one other interesting contribution that may be more difficult to implement. The authors suggest designing information campaigns within the main countries of origin of migrants who are coming Chile. We think this suggestion seems to try to deal with "rooting" in reality the high expectations migrants have often developed about the socioeconomic and labour conditions in Chile. The country was 'sold' by the previous government as offering "an oasis" of opportunities (Zenteno and Salazar, 2021). However, this specific proposal is grounded in a reading of migration as a rational and carefully planned option, when in general that approach does not seem to prevail. Instead, economic needs, violence, and specific feelings arising from personal danger, survival difficulties, family reunification and so on, have been the most frequent causes that have people induced people to migrate to Chile (Authors, 2024; Achotegui, 2022).

CONCLUSIONS

There are two main stages in the design of migration policies in Chile, the first related to the law of 1975 and the second to the law of 2021. Between those years, there were several periods where migration policy was adjusted and sometimes substantively modified though no new national policy was instituted. The two stages reflect socio-political visions that, though not antithetical, do present important differences. At the same time, they converge, mainly in terms of the importance accorded to national security, and some aspects diverge. The recent policy is oriented to protect some of the human rights of migrants, especially those relating to health and education, family reunification, children, and gender. However, in neither of the stages can the policies be characterized as mission oriented. They do not emphasize the development of the state's dynamic capacities, specifically to lay out very clear aims, establish social legitimacy and deploy state agencies in strong leadership roles. They present neither a flexible nor a long-term approach. That said, some capacities for migrant-oriented actions are being developed in selected state agencies, for example the facilitation of communication regarding health care through monitors working in the territories, the establishment of programs against gender violence, and the expediting of children's gaining access to schooling and health care. Table 1 summarizes the main characteristics of the most recent migration policy in Chile and the associated state's dynamic capabilities using the categories from the model of mission-oriented policies of Kattel & Mazzucatto (2018, p.10). We have made the

choice not to evaluate the first policy, associated with the 1975 law with this model, partly due to that policy's radically authoritarian character and partly because of the urgent need to present alternative views on the current policy.

As can be observed in Table 1, the main characteristics of mission-oriented policies have not been attained. Different dimensions internal to the state are just now being put in place as a result of the recent implementation of the new migration policy in Chile. Moreover, it is hard to know how they will evolve in the short term and under future governments. In general, the new migration policy is marked by important gaps. First, there exists a marked distance between officially accepted protocols and the practices on the ground. Second, selective public engagement in policy design may contribute to ignore or deny the civic epistemologies of migrants and civic associations. If these are not incorporated within legal norms they become invisible and social conflicts may increase. The state apparatus compromises its leadership capacity when a consensus on policy is not reached through the wide social participation of migrant representatives. Third, vertical coordination mechanisms between central agencies and regional, provincial, and municipal governments are not made explicit within the new migration policy (Aninat & Sierra, 2019). Such agreements should design regional and communal financial instruments to reach the lower administrative level and periodically evaluate their impact on migration. Fourth, because migration is far from a static phenomenon, its management requires ongoing restructuring, reevaluating, upgrading, and adapting to predictable and unforeseen changes. This reality is not addressed through explicit guidelines within the new migration policy to the detriment of the dynamic development of institutional capacities. In spite of the critical comments presented in this study, it is undeniable that there now exists a migration policy in Chile that deals with human welfare and is not strictly authoritarian. However, it should be expected that it can be perfected in the short term to increase human security, migrants' welfare, social cohesion, and interculturality with the host population.

Acknowledgements

We thank the Inter-American Institute for Global Change Research (IAI) for the financial grant that supported the present study of the Chilean Team, and the Belmont Forum, which is providing support for the general international research project, "Human Mobility, Global Challenges and Resilience in an Age of Social Stress" (PHOENIX) of which the Chilean team forms a part.

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