

URGENT ACTION

CHILE: FOREIGN CHILDREN AT RISK FROM BILL

On 4 December 2024, a Commission of the Chilean Senate began debating a reform to the country's current Migration Law that poses a grave threat to the rights of migrants, particularly the right of children and adolescents to education and health. The bill envisages the expulsion of unaccompanied children in certain circumstances, as well as the indirect expulsion of minors due to their parents' migratory status, and could even lead to arbitrary detentions of migrants and asylum seekers. We call on the Senate to reject this draft legislation.

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

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Mr. José Ossandón Irarrázabal

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Dear Senators:

I am writing to you out of deep concern over the **bill contained in Bulletin No. 16.072-06**, currently on its second reading in Congress, which poses a threat to human rights and criminalises refugees and migrants. This bill contravenes both human rights and the laws protecting children and refugees, and must therefore be rejected.

Among the most serious aspects is the authorisation to expel unaccompanied children, as well as the indirect expulsion of minors due to the migratory status of their parents, which runs contrary to domestic and international legislation on the best interests of the child and the family unit. Moreover, by abolishing the principle of non-criminalisation of migration, the bill makes irregular migration a punishable act, thus affecting those who migrate for humanitarian reasons.

Furthermore, by requiring registration at the Civil Registry, the bill hinders access to health and education, thereby violating fundamental rights and furthering the criminalisation of persons with irregular status. In education, Chilean students are also given priority over migrants, violating the principle of non-discrimination and constituting a retrograde step in terms of educational inclusiveness policies.

I call on you, as President of the Senate and Chair of the Commission, to ensure that this bill is rejected, along with any other future initiatives that might restrict the rights of children and migrants.

Yours sincerely,

[NAME]

ADDITIONAL INFORMATION

The bill contained in Bulletin No. 16.072-06 is currently on its second reading before the Senate's Government, Decentralisation and Regionalisation Commission. It provides for an amendment to the Migration and Immigration Law and other related legal texts, modifying regulations in four key areas: **grounds for expulsion, economic and social rights, the use of criminal law in migration and the rights of migrant children and adolescents**. The main modifications include a broadening of the grounds for expulsion, guaranteed access to services such as education and health for migrants, albeit with restrictions, and the penalization of irregular migration with aggravating criminal circumstances. Moreover, the regulations governing the best interests of the child are modified, though without fully ensuring that this principle is applied across the board.

These reforms may give rise to disproportionate effects, such as affording equal status to minor infringements and serious crimes, and may run contrary to international principles of equality and non-discrimination, particularly as regards the protection of minors. By eliminating the principle of non-criminalization of irregular migration and penalising attempts to hinder expulsions, the bill may violate the principle of proportionality, while also creating uncertainty in the application of sanctions. Overall, the modifications pose risks to the protection of fundamental rights, particularly in terms of the human rights of migrants and their access to essential services.

The state of Chile is party to the Refugee Convention, the American Convention on Human Rights, the Convention on the Rights of the Child and other international human rights instruments that guarantee the respect for the human rights of people in need of international protection, particularly children and adolescents. Chile is also party to the Cartagena Declaration on Refugees, which further strengthens states' commitment to protecting refugees and asylum seekers in the region, particularly in situations of forced displacement.

In its Report, [No one wants to live in hiding](#), Amnesty International noted that Chile has failed to meet its obligation to protect persons in need of protection, who face numerous obstacles to obtaining refugee status or regularising their migratory situation, condemning them to a situation of vulnerability.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 23 January 2025.

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

NAME AND PREFERRED PRONOUN: Children, refugees and migrants.