VISIONS OF THE NEW MIGRATION POLICY IN CHILE: A BRIEF ANALYSIS OF LEADERS' NARRATIVES

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ABSTRACT

In recent decades migration within Latin America has increased significantly. To take one example, 1,625,074 South American migrants were living in Chile as of 2023, many enduring precarious conditions such as being on the streets or in assigned basic camping sites without water or sewage facilities. In the past 50 years the Chilean government has enacted just two official migration policies: the first in 1975, designed by the military dictatorship and with some amendments added by subsequent democratic governments, and the second in 2021. This article aims at a qualitative analysis of the present and controversial migration policy that is based upon the narratives of key migration policy actors in contemporary Chile. Three main framings for understanding the policy are presented. The first can be defined as technocratic, attentive to format and data processing; the second is socially conscious of the subjectivity and vulnerability of migrants; and the last focuses on ensuring migrants' human rights. These visions are not necessarily in opposition, as they sometimes interconnect or complement each other. However, the interviewees expressed a certain degree of gratitude that a new law had been designed and ratified, although they had expected more from it.

Keywords: Migration policies; framings; migrants; social integration; human rights

1.0 INTRODUCTION

In recent decades, South American migration within Latin America has increased exponentially. In the case of Chile, the National Institute of Statistics found that as of December 2023, the number of foreigners in the country was 1,625,074 (Salamanca, 2022). The migrants were primarily in the 18–39 age-cohort, more male than female by a slight margin and mainly localized in the metropolitan area of the capital (57.8%) (INE, 2023). There had been dramatic growth in new settlements, especially in the previous 5 years, mainly driven by Venezuelan migrants. In 2021, there were 198,266 migrant children and adolescents in Chile, representing 13.4% of the estimated number of migrants (UNICEF 2021).

This presents the important challenge for the country of reception, at least in terms of infrastructure and public services, of incorporating the new population appropriately. State agencies have to implement effective policies to facilitate the socioeconomic involvement and support the well-being of migrants. Doing so also contributes to the development of a

multicultural setting and social cohesion and can help reduce and/or control the discriminatory social behavior that has been often observed in such cases of rapid change in demographics.

Unfortunately, migration to Chile was for some decades was governed by a restrictive and authoritarian policy designed under the civic and military dictatorship of General Augusto Pinochet (1973–1989), based upon Law N°1094 of 1975. This legal framework was largely maintained during the democratic governments that followed, though they did introduce some important amendments.

The original law was notable for the almost total absence of the recognition of human rights. For example, migrants had no right to access health or education services or even the judicial system (Centro de Derechos Humanos, 2015 p. 283). The law was grounded in a national security doctrine designed to gain total control of the frontiers; furthermore, it prohibited the entry into the country of any 'so-called subversive' individual, i.e. an opponent of the regime. In fact, in that period Chile expelled around 500,00 citizens, both native and of foreign origin, for their 'supposed' political motives. The policy framed by the law was based upon a total disregard for the quality of life of migrant people and consequently the state capacity for dealing migration had very strong limitations.

It was known that this policy was inadequate for meeting the challenges resulting from the changes in social complexity would take place with the unexpected arrival of large migrant flows. While a new law was not passed until 32 years after the first law, there were at least three moments involving different governments when attempts were made to regularize the situation of migrants. In the first stages of democratic rule. these mainly involved (a) the modernization of the welfare human services infrastructure, (b) wider acceptance of the incorporation of children into schools and of migrants generally into the health-care system, (c) authorization for migrants to be formally employed during the long process of visa acquisition (Quezada, 2014), and (d) the inclusion of internationally ratified standards against human trafficking and other subjects (Machín, 2011).

Beginning in 2008, new policies were designed to protect the most vulnerable migrants: children and women of childbearing age. In relation to the latter, even illegal migrant women could freely access regular pregnancy tests, birth controls and treatment during child delivery. Two attempts were made to modify the entire law, but for political reasons the Chilean Congress did not approve any changes. Later on, there were several efforts made towards the enshrining of equality in terms of between Chileans and migrants in many domains related to those referenced in international conventions signed by Chile (Mendoza-Mendoza; Lazzaro-Salazar, 2018). Furthermore, refugee status was acknowledged and trafficking crimes were codified. Several measures were approved that granted migrants the rights to work, health and education regardless of visa status.

However, both before and during the COVID-19 pandemic some of the advances that had been achieved were undercut by government actions in response to the crisis, among which were the closure of frontiers and the deportation of a significant number of migrants back to their countries of origin. This last measure, publicly presented with sensationalistic overtones, was strongly supported by the local press. This policy-oriented behaviour facilitated the illegal entrance of foreigners into the country by means of unauthorized pathways and boosted the

already existing disapproval of migrants by many sectors of society. The irregular flow of migrants also provoked a severe humanitarian crisis that persists today (Polloni, 2024).

Moreover, a plan of supposed 'Humanitarian Return' was launched that targeted Haitian migrants. This Humanitarian Return had many restrictions, most notably prohibiting this group of migrants from returning to Chile for nine years; as such, this policy was considered by many academics to be racist and an implicit form of deportation (Mercado Órdenes; Figueredo, 2022; Stang et al., 2020). In the same period, however, a 30-day tourist visa program was instituted, as well as a humanitarian visa system to allow families to be reunited for 12 months.

Facing social and political chaos, violence and social protests with its peak between 2019 and 2020, the political parties and supporters that would be involved in the socially progressive government that took office in 2022, began work on a new national migration policy. The corresponding law was finally passed in 2021 (Law 21.325), though it is really still being put into action (Observatorio de Migraciones y Movilidad Humana, 2023). This policy incorporates some advances in the protection of human rights for migrant people, but still presents a strong continuity with the approach to 'national security' followed in the past. Some authors have estimated that security-oriented mechanisms account for almost three-quarters of the law's provisions (Roessler Vergara et al., 2022). The new policy was hammered out via fierce political debates between opposing factions within the government and between political parties and through negotiations with civil society organizations who put forth demands. It thus reflects a mixture of political and policy approaches.

2.0 MATERIALS AND METHODS

The main aim of this paper is to analyze and classify into different framings the main visions expressed for this new policy design and implementation in interviews by key social actors in migration policy. These actors include public agency officials, international organization representatives and leaders of well-known migrant collectives. A second aim is to show how these visions appear in the spoken narratives of the actors, in juxtaposed, interwoven or alternative ways. Both aims reflect the co-production of knowledge and policy/politics – after Jasanoff (2004) – on the subject of migration policy, oriented to either facilitate or hinder migrants' social integration.

The present study is constructed as a qualitative analysis based upon a limited number of interviews that nevertheless can be seen as representing the position on migration policy of the present government. A total of 10 semi-structured online interviews, 1 to 2 hours in length, were carried out between late 2023 and early 2024 with officials in charge of migration policy and representatives of international organizations associated to migration and migrant collectives (Appendix 1). The interviews were taped and later transcribed.

Appendix 1: Characterization of interviewees by gender, position and institution

Agent of policy/ representative of migrant collective *	Position	Institution
PA1M	Adviser in Migration	Ministry of Social and Family

PA2W	Coordinator of Gender Transversality	Ministry on Gender Equity
PA3M	Official of |Protection -Coordinator of protection and national solutions units 1	United Nations Agency for Refugees (ACNUR)
PA4M	Adviser; ex member of OIM staff- Articulator of South American responses to the Venezuelan crisis	Organization of international Migrations (OIM)
PA5M	Under-Secretary of Human Rights	Under-secretariat of Human Rights Ministry of Justice
PA6W	Head of the Human Health Department – regulation rector of the population and direct treatment sector	Health Ministry- Under-secretariat of Public Health (MINSAL)
PA7H	Adviser the Department of Aboriginal Health and Interculturality: Technical line on Migration	Health Ministry (MINSAL) Under-secretariat of Public Health (MINSAL)
PA8W	Head of the Departament of Fundamental Rights and another professional (labour migrations and decent work)	Ministry of Employment and Social Wellfare MINTRAB)
MCR1M	Vice-president/ Spokesman	National Coordinator of Migrants in Chile
MCR2W	President of the Board and legal representative of the organization	Venezuelan Association in Chile

Source: The research

Note: The abbreviations used during the narratives correspond to: PAM: Policy Agent Man; PAW: Policy Agent Woman; MCRM: Migrant Collective Representative Man; Migrant Collective Representative Woman: MCRW.

Quotations from interviews were anonymized to maintain confidentiality, especially because the majority of the interviewees occupied high-level positions in different agencies. Interviewees were equally divided by sex and a majority of them belonged to the early 40s age-cohort – coinciding with the predominant age levels of government officials. The majority of interviewees hold postdoctoral degrees in the social sciences. Most of them do not declare either race or religious identification and are Chilean nationals.

The concept of framing has been theoretically applied in significantly different ways since the pioneer work of Entman (1993) (1). In general, certain aspects of reality are emphasized while others are obscured; attributes, judgments, and decisions promote a specific interpretation within a text, using a certain definition of a problem, emphasizing its main cause and providing a moral evaluation and solution. In this way, frames/framings act as ways to organize or structure speech and/or discourse (See, Author, 2021 for a wider discussion).

The main framings in the narratives of our study were identified and analyzed for content, meaning, and emotional connotation, while the underlying values and ideological assumptions were referenced, following Mulkay (1993, p. 723–724). Mulkay defines "discourse regularities" that are constructed according to preexisting sociocultural beliefs and reveal an "interrelated set of background assumptions." In these narratives divergence and convergence and subtle variations between these two extremes can be assigned to differential viewpoints among social actors. Firstly, narratives are classified according to prevalence and contrasted with keywords on recurrent themes or issues considered troublesome by speakers. In this study, these words/phrases include regularization process, discrimination, lacunae, data availability, challenges, actions, and questionings, among others.

Three types of visions are clearly visible within the groupings of narratives and defined as technocratic, socially aware, and human rights based. The first emphasizes data collection, availability of evidence, and official actions in response to migrations. The second deals with migrants' subjectivity and well-being, often including gender and age as variables. Finally, the third defends the rights of migrants and their political role, is empathic toward their vulnerability, and suggests forms of social integration and intercultural practices. Often these visions overlap or complement each other. At the same time, the contradictions and conflicts between agents' visions and the directions agents take to implement the policy protocols analyzed are apparent. In the following sections we can 'hear' the voices of the different actors and follow the analysis of their type of visions.

3.0 RESULTS AND DISCUSSION

The interviewees were ambivalent regarding the new 2021 law and the national policy on migration (NPM) which has generated many social debates and controversies. Also, it is sometimes considered a governmental maneuver to recruit migrants and generate a positive electoral effect (Antonia Lara, Catholic University Silva Henríquez, pers. comm. regarding the attitude toward migration of the first and second Piñera government). Some examples of narrative extracts relating the three visions described above will be discussed next.

Often an interviewee's evaluation depended upon whether they were a high-level state official or they had contributed to the design of the law, a situation that restricts the possibilities of their developing a more neutral critique of the policy. One interviewee describes the ongoing process at the ministries: "The Law of Migration and Foreigners exists. At the end of June the National Policy on Migration was launched. Here we contributed with three to four objectives that we added. One of them, the first one is: to guarantee access to health treatment, it is the need that I was telling you about. So now, we are working on an Action Plan of Migration Policy. Each ministry is reporting on the actions they will take between the present and the next year [interviewee means 2023–2024] to guarantee that the policy's aims are achieved." (PA1M). This technocratic description shows the steps taken in policy design, though not as much its content. The interviewee recognizes the participation of their institution of affiliation in elaborating the NMP, but makes almost no reference to the articulation of the contributions its agency has made in tandem with other state agencies. The interviewee also does not specify the content that could be central when developing an Action Plan. It seems the latter will depend on a number of fragmented measures taken by each ministry and that those initiatives

will not necessarily be articulated through planning based on a hierarchy of possible issues upon which to focus resources and by seeking to meet predefined goals.

However, other state agents make a more radical critique of the law, which they consider as being entirely concerned with social control and state/national security, rather than interested in ensuring the rights of migrants. Some interviewees also add that the policy formulation shows a strong tension between different political and policy ideologies: as one interviewee put it, "A key desire of the present government is to root laws and norms in the needs and will of the people" (PA2W).

On the one hand, the interviewees tended to value the existence of a new law, given the former law's authoritarian character regarding migrants, and on the other little is known about how it will be implemented, because the only portion of it that has been made public is an executive summary. The interviewees were also extremely worried about the potential impacts of another piece of legislation that the Congress has taken up. Regarding this initiative, some social sectors hold a vision that completely diverges from this proposal, given that one of its goals is the classification as a crime the entry of people into the country through illegal pathways. This measure would be similar to the one taken during the government of the dictator Pinochet (Caro, I.; Quitral, M., 2023).

Others believe that the new NPM's main problem is that "it is still based on a security perspective, rather than on an inclusive approach that guarantees the rights of migrant people in general, and this is a challenge. There is a need to continue deconstructing the narrative that has been socially embraced with respect to migration and the 'securitist' approach" (PA5M). This is a humanitarian perspective, similar to that expressed in the following, still more radical narrative:

> What the National Policy does, is that it strengthens the contemporary lens through which migration is socially seen, in terms of being able to control the enabled pathways at the frontiers. It reaffirms that approach, it does not present a wider look on security, relating not only to that of the national inhabitants but also security towards the migrants themselves, i.e. a two-way or symmetric approach. Therefore, frontiers are strengthened for the internal security of the country, but how do we also take into account the existing humanitarian crisis? I think that in politics – this is my own perception – there is a lack of awareness of and even a sheer absence on the topic of the humanitarian crisis (PA4M).

This view breaks with the general ambivalence that was identified on part of the interviewees, in that it evaluates the policy and political position itself more negatively, particularly when it refers to the ignorance in government concerning the ongoing humanitarian crisis. This situation has become the main driver of the present migrants' displacements within the Chilean territory to more isolated regions and acts as a strong disruptor of social cohesion. If it prevails, more-extreme forms of violence may be directed at the present government. During the event organized for the public announcement of the new NPM at the Interior Ministry, the possibility of implementing "extraordinary regularizations" (2) in the future was mentioned. However, there is no explicit mention of this contingency in the text of the law nor in its regulatory provisions Tohá, 2023).

An interviewee from a migrant collective mentioned the contradictions they have had to face as an organization with regard to an issue that has been extremely controversial in society (Oyarzún Serrano, et al., 2021):

> Well, we here have a mixed opinion, that is a way to formulate what has confronted us. [The format of biometric migrant enrollment and registration has] effectively become a risk, in the understanding that one never knows which will be the political path that follows; because unfortunately in Chile, politics regarding migration has been based on the media instead of upon evidence. However, it is also a need. We need to know how many people have entered the country through unauthorized pathways, to be able to continue insisting on the design and implementation of focalized policies of protection (CR2W).

Here a view characterized by social awareness is expressed, though it is clearly based on the uncertainty about the future of these irregular migrants. The background to this assertion is the ascribing of political decisions about the issue of migration to the 'ups and downs' of public opinion, as well as to a prodiscrimination campaign by the media that also often surfaces in official public speeches and reports. These present the public with a 'false' – non-evidence-based – narrative through the continuous association between migration and crime, which has had a profound negative impact upon the votes of citizens (Dammert, L.; Erlandsen, M., 2020).

However, a minority of interviewees held positions that were more favorable toward some specific aspects of the new law: "I think it is a law that offers many alternatives for people to enter Chile in a regular migratory situation. Moreover, it offers new alternatives for accessing humanitarian visas, conditional entry, and complementary protection for those people who do not necessarily have need of international protection. They, through this law, can obtain humanitarian visas or complementary protection" (PA3W). In the last case, though the decree has not yet been approved, it is understood that all the people who cannot go back to their own countries, but yet do not meet the conditions to be recognized as refugees, can apply for complementary protection that prevents their forced return to their countries of origin. This view focuses more on promises than on ongoing realities in citing the narrative of the optimistic approach as expressed in the 'letter' (draft) of the policy rather than considering its implementation.

4.0 CONCLUSIONS

There have been two main moments in migration policy design in Chile that are reflected in the old and new laws. The ideologies that produced the two laws are not absolutely antithetical. While they do have important and relevant political differences, they simultaneously diverge and converge.

One key issue absent from the debates and the policy is that of the vertical coordination between different levels of government, especially those at the municipal level, which carry out most of the face-to-face work within the territories inhabited by migrants References to horizontal coordination between agencies are also rare.

The new law's main fault seems to be the "security focused" mechanisms implemented, not only at the frontiers, but for the future regularization of illegal migrants. It lacks transparency.

However, the interviewees expressed a certain degree of gratitude that a new law had been designed and ratified, although they had expected more from it. Broadly speaking, the interviewees wanted to see a higher level of concern for the plight of migrants and their rights embedded in the law. If the sample of interviewees was enlarged, it is likely that a more accurate landscape of opinions could have been depicted, regarding undergoing political and policy uncertainties. Nonetheless, the present study gives us some hints as to the directions the debates have taken.

Notes

(1) Entman (1993, p.52) defines this as a selection of aspects of perceived reality to make them more salient and promote a certain interpretation of a problem and its eventual resolution.

(2) Extraordinary regularizations refers to exceptional situations whereby the possibility of acquiring visa credentials becomes available to all illegal migrants regardless of other conditions.

5.0 ACKNOWLEDGEMENT

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