



# GMS Flash Alert

Immigration Edition

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## Chile - Significant Travel Restrictions Imposed Due to Coronavirus (COVID-19)

As a result of the increasing escalation in the outbreak of the coronavirus (COVID-19), the Chilean government has taken extraordinary measures instituting travel restrictions on foreign nationals traveling to Chile.

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### WHY THIS MATTERS

Chile now follows Peru and Argentina and other countries around the world in limiting cross-border travel into the country with significant impact for the mobility of a company's international workforce. The closing of Chile's borders and other travel and entry-exit measures previously announced will impact companies with expatriate populations in terms of future assignments inbound to Chile or outbound from Chile. Employees and their families who may have received offers for an international assignment to Chile will need to postpone the commencement of the assignment. This could cause some anxiety, stress, and inconvenience, especially where plans for relocation are already underway.

Companies with global presence and individuals operating across borders need to be increasingly aware of the relevant risks associated with travel, large-crowd events and conferences, and new work arrangements consequent to the COVID-19 outbreak.

Additionally, the government has decreed the "State of Catastrophe" which is a "State of Constitutional Exception" that will allow the Executive Office to modulate constitutional rights and liberties pertaining to such areas as , such as property rights, public security, health, and supply distribution, the right to attend public meetings, transit, and general freedom of movement. This may cause inconveniences, as office work could be restricted and curfews for the general population might be enforced in the near future.

Extraordinary measures are being enacted by public agencies and offices. Employees will benefit from provisional electronic visa stamps and extensions of Chilean ID Cards validity periods.

## Main Measures Affecting Foreign Nationals

On March 16, the Chilean government declared that Stage 4 of COVID-19 has been reached in Chile which in accordance with the World Health Organization (WHO) protocol, corresponds with viral circulation and community-level outbreaks, implying widespread virus propagation.

Through a presidential message, Chilean President Sebastián Piñera announced<sup>1</sup>, among others, the extraordinary measures described as follows<sup>2</sup>.

- Effective from March 18, Chile will close its land, maritime, and air borders to foreign nationals. It is understood that this takes effect as of midnight March 18.
- Chilean nationals and foreign nationals with Chilean resident status, in transit from countries with a high-level risk designation (currently, Iran, People's Republic of China, Germany, France, Spain, Italy, South Korea, and Japan), will be able to enter Chile but will have to undergo screening procedures by the Sanitary Customs Office and will be subject to a mandatory fourteen (14) day quarantine. Non-compliance may result in criminal prosecution and administrative sanctions, such as prison, monetary fines, and deportation.
- Foreign nationals with an ongoing in-country Ministerial Visa request and foreign nationals with expired residence visas who still do not have an approved and valid proof of visa in progress or proof of permanent residence in progress certificate, cannot re-enter the country until their visa / residence in progress certificates are issued or extended, in the event that they have expired.
- To secure a supply of goods and services, the closing of borders policy will not affect cargo transportation services, nor will it affect the personnel associated with that activity.
- Heads of public agencies/services can modify public-service hours and will have authority to decree remote working processes for public officials.
- Administrative measures will be enacted to secure the continuity of essential public services. The government announced that Chilean citizens and foreign nationals in possession of temporary or permanent residency visas with soon-to-be-expired Chilean ID Cards will benefit from a one (1) year validity extension of their current Chilean ID Cards.<sup>3</sup> The specific procedure is yet to be confirmed. However, this extension will only apply to Chilean ID Cards. Foreign nationals with temporary residence visas close to their expiration date will still need to apply for a visa extension or a permanent residency request within the normal legal period of applications.
- The Immigration Department will develop an online system that will allow foreign nationals with approved temporary residence visas to download a provisional electronic visa stamp with a six (6) month validity period. Employees in this situation will be obliged to request the physical visa stamp in their passports before expiration.<sup>4</sup>

On March 18 – and as the COVID-19 pandemic keeps expanding in Chile – President Sebastián Piñera decreed catastrophe status throughout Chilean territory; as noted earlier this is a State of Constitutional Exception which is valid for 90 days, renewable, effective from Thursday, March 19, at 00:00 hours (Chilean time).<sup>5</sup>

As we noted earlier, this State of Constitutional Exception enables the government to limit constitutional liberties and will result in the following measures:

- Reinforce the safety and security for all health-care facilities and hospitals.
- Protect logistical supply chains and the transportation of needed medical supplies.

- Enable care and transportation of patients and medical personnel and evacuation of individuals.
- Protect the enforcement of quarantine and social isolation measures.
- Guarantee the chain of production and distribution to help ensure the normal supply system for the population.
- Protect and safeguard borders.

The declared State of Catastrophe will allow for the establishment of a series of measures including the restriction of social gatherings in public spaces, adopting requisitions, and introducing restrictions on property rights if necessary (v.gr. through price-fixing policies), in order to protect the normal distribution of basic goods and services, organize the creation of food (and other goods) reserves, establish quarantines or curfews, decree measures for the protection of public utility services, and limit transit or general freedom of movement of people.

The above measures may be developed progressively in accordance with the evolution of the situation; therefore, new decrees and measures are expected in the following days.

The measures described above will complement those previously announced by the government, which include the following:

- Isolation of individuals infected with coronavirus (COVID-19), or under suspicion of being infected.
- Obligation for individuals to complete a Health Sworn Statement when entering Chile.
- School and pre-school closings.
- Prohibition for any public gathering with more than two hundred (200) attendants.

## FOOTNOTES:

1 See the official government announcement in Spanish ("Chile ingresa a fase 4 por Coronavirus y Presidente anuncia cierre de fronteras y asegura cadena de abastecimiento" – 16 de marzo de 2020) at the [Government Executive Office newsletter](#).

2 See the "Recomendaciones ante brote de Coronavirus COVID-19" (in Spanish) on the website of the *Ministerio de Relaciones Exteriores* (see the [Foreign Ministry's Consular, Immigration and Chileans abroad Office newsletter](#)).

3 See the official government announcement in Spanish ("Ministerio de Justicia y Derechos Humanos lanza plan de prevención Coronavirus para los usuarios del sector" – 17 de marzo de 2020) at the [Ministry of Justice and Human Rights Office newsletter](#).

4 See the official government announcement in Spanish on the [Immigration Department FAQ's information webpage](#).

5 See the official government announcement in Spanish ("Presidente declara Estado de Excepción Constitucional de Catástrofe en todo el territorio nacional" – 18 de Marzo de 2020) at the [Government Executive Office newsletter](#).

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