

Political Participation of Organized Migrants with Permanent Residency in Chile (1994-2024)*

[English Version]

La participación política de los migrantes organizados y con residencia permanente en Chile (1994 – 2024)

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Abstract

Objective: Analyze the political participation of immigrants with permanent residency in Chile during the period 1994-2024. **Methodology:** A qualitative and quantitative approach was utilized, involving semi-structured interviews with historical leaders of the organized migrant movement in Chile. Additionally, statistical data from the Chilean Electoral Service were analyzed to examine migrant voting patterns during the period 2012-2024. **Results:** Chile has one of the most advanced legal frameworks regarding the political participation of migrants; however, fundamental limitations still persist. This leads to a status of political membership with restricted rights for foreign immigrants with permanent residency in Chile, within a democracy built, as much as possible, through transnational and subnational collective action, as well as through political participation in electoral processes. This has enabled a break from institutional methodological nationalism and has opened the possibility of extending these national mechanisms to postnational and transnational dimensions, reshaping conceptual designs empirically linked to the old notion of the polis in methodological nationalism, and proposing the idea of "Migrápolis": the migrant political subject, and migrant struggles. **Conclusions:** The emergence of a new model of political participation based on the idea of limited political membership was identified.

Keywords: political membership; political participation; elections; migration; Chile (from the UNESCO thesaurus).

Resumen

Objetivo: analizar la participación política de los inmigrantes con residencia permanente en Chile durante el período 1994-2024. **Metodología:** se utilizó un enfoque cuali/cuantitativo, para lo cual se realizaron entrevistas semi-estructuradas a líderes históricos del movimiento migrante organizado en este país. Asimismo, se utilizaron datos estadísticos del Servicio Electoral chileno para analizar el voto migrante durante el periodo (2012-2024). **Resultados:** Chile tiene una de las legislaciones más avanzadas en materia de participación política de los migrantes, sin embargo, aún persisten

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limitaciones fundamentales, lo que configura una membresía con derechos políticos acotados para los inmigrantes extranjeros con residencia permanente en Chile, dentro de una democracia construida, en la medida de lo posible, a partir de la acción colectiva transnacional y subnacional, y aquella desarrollada desde la participación política electoral, lo que permitió el rompimiento con el nacionalismo metodológico institucional y abrió la posibilidad llevar estos dispositivos nacionales a dimensiones postnacionales y transnacionales, cambiar diseños conceptuales relacionados empíricamente con la vieja idea de las polis del nacionalismo metodológico, y proponer la idea de «Migrápolis», el sujeto político migrante y las luchas migrantes. **Conclusiones:** se verificó el surgimiento de un nuevo modelo de participación política basada en la idea de la membresía política acotada.

Palabras clave: membresía política; participación política; elecciones; migración; Chile (obtenidos del tesoro de la UNESCO).

Resumo

Objetivo: Analisar a participação política dos imigrantes com residência permanente no Chile durante o período de 1994 a 2024. **Metodologia:** Foi utilizado um enfoque quali-quantitativo, com entrevistas semiestruturadas realizadas com líderes históricos do movimento migrante organizado no país. Além disso, foram analisados dados estatísticos do Serviço Eleitoral chileno sobre o voto migrante no período de 2012 a 2024. **Resultados:** O Chile possui uma das legislações mais avançadas em relação à participação política dos migrantes; contudo, ainda persistem limitações fundamentais. Isso configura uma membresia com direitos políticos restritos para estrangeiros residentes permanentes no país, dentro de uma democracia construída, na medida do possível, a partir da ação coletiva transnacional e subnacional, bem como da participação política eleitoral. Esse cenário possibilitou romper com o nacionalismo metodológico institucional e abriu espaço para levar esses dispositivos nacionais a dimensões pós-nacionais e transnacionais. Além disso, permitiu reformular concepções relacionadas à antiga ideia das pólis do nacionalismo metodológico e propor a noção de "Migrápolis", o sujeito político migrante e as lutas migrantes. **Conclusões:** Foi constatado o surgimento de um novo modelo de participação política baseado na ideia de membresia política restrita.

Palavras-chave: membresia política; participação política; eleições; migração; Chile (extraído do tesoro da UNESCO).

Introduction

In recent decades, a body of research has emerged addressing the political dimension of migration without critically engaging with the hegemonic liberal/neoliberal democratic model in the region (Espinoza, 2004; Calderón, 2010; Emmerich & Alarcón, 2016; Guadarrama & Valdéz, 2020). These studies primarily focus on the reconfiguration of political citizenship through political/electoral participation, influenced by globalization and the gradual decline of methodological nationalism as the unifying space for the three most significant institutions of political modernity: the state, democracy, and citizenship. In Chile, these institutions have been reconfigured within two simultaneous civilizational processes that coexist with contested globalizations: neoliberal globalization and grassroots globalization.

The two integrative processes of ongoing globalizations are: "epistemological transnationalism" and "epistemological postnationalism" (Luque et al., 2023; Luque & Hernández, 2024; León, 2024). These processes, which complement each other and critically engage with methodological nationalism, have enabled the examination of the reconfiguration of political citizenship and its transformation into political membership in Chile since 2012, a context in which political citizenship was decoupled from the idea of the nation. This shift led to political membership that permits immigrants to vote in all electoral processes, but not to be eligible for election. All of this stems from a break with methodological nationalism, which maintains unity among the nation, citizenship, and the state:

Methodological nationalism, which upheld the traditional convergence between citizens, society, and the market within the context of the nation-state, lost influence, giving way to new ways of thinking and imagining the connections between "here" and "there," between the country of origin and the country of residence, which led to various transnational actions and perspectives. This generated enthusiasm among scholars of migration, who observed that migration was creating a set of ties that transcended both sending and receiving societies. These researchers developed concepts such as transnational social spaces, transnational communities, social networks, and social and cultural capital. (Luque et al., 2023, p. 68).

This epistemological rupture opened up the possibility of reforming or transferring these national mechanisms into post-national and transnational dimensions. Within these reflections, the formation of political rights for immigrants in Chile and the emergence of a new concept of the city, "Migrápolis," must be situated and explained. However, one question needed to be answered:

under what model of democracy did the aforementioned processes take place in Chile?

From the Methodological Nationalist Matrix to the Transnational and Postnational Matrix: The Birth of a Democracy of Exclusion

To understand the emergence, expansion, and political nature of international migration as an empirical reality, referring to the 1990s, a period marked by changes in the historical connections between Chile and the world is necessary. The neoliberal transformation of Chile under Pinochet's dictatorship began its *Gattopardian* political shift in 1990. With the transition to liberal democracy, the unquestionable criterion of political equality was introduced alongside the normalization of social inequality (i.e., social injustice as the structuring force of Chilean society). This marked the beginning of Chile's technological and economic globalization myth. In this regard, this analysis follows Moulian's (1997) thesis, which asserts:

I consider present-day Chile as a product of Dictatorial Chile, but without accepting either determinism or necessity, or the simplistic idea that a society created with the "materials" of Dictatorial Chile could be nothing other than a photograph of it, a few years later. (p. 15).

Chile's political development was only possible through the combination of four factors: dictatorship, political neoliberalism (liberal democracy), globalization, and the discourse of human rights. Within these coordinates, immigration flourished, particularly of Peruvians migration driven by Fujimori's dictatorship, as well as other migrants escaping the neoliberal reforms in their own countries, only to find themselves in the very heart of the neoliberal stronghold in the region, Chile. In this way, this Andean country became a destination for Peruvians, Bolivians, Colombians, and Ecuadorians (Luque, 2006, p. 137).

From the early 1990s to the present, a regional migratory circuit was established, consisting of population-exporting countries and Chile as a receiving country. But how did the borders open in 1990? What factors explain this openness? The answer lies in the context of liberal transitions toward democracy and the importance of human rights. During the 1970s, military regimes across the region—except in Colombia, Costa Rica, and Venezuela—carried out bloody coups that led to the exile of thousands of their citizens (Roniger, 2024).

The Colombian case was exceptional due to the armed conflict between the guerrilla groups of the Revolutionary Armed Forces of Colombia (FARC),

the National Liberation Army (ELN), and other armed forces that had risen against the Colombian state. *Coups d'état* in the region began in Paraguay (1954), Brazil (1964), Peru (1968), Bolivia (1971), Ecuador (1972), Uruguay (1973), Chile (1973), Argentina (1975), and Peru again in 1992, under the leadership of Alberto Fujimori (Victoriano, 2010, p. 179). For more than two decades, most of the continent's population lived under state terrorism and severe repression. In the face of this reality, the defense of human rights became the last barrier against genocidal repression.

The United Nations High Commissioner for Refugees (UNHCR) estimated that approximately 200,000 Chileans were exiled due to the dictatorship of General Augusto Pinochet (Zamorano, 2021, p. 112). In Argentina, the number of exiles ranged from 30,000 to 250,000 (Jensen, 2022). Meanwhile, the number of Uruguayans forced into exile was estimated at approximately 380,000 (Schelotto, 2015). These three cases represented the largest and most widespread banishments during the military dictatorships of the second half of the 20th century in South America. The U.S. governments of the time played a role in each occurrence.

The international rejection of Pinochet's *coup d'état* sparked an unprecedented wave of condemnation in Latin American history, a region that had already witnessed numerous coups and military dictatorships. In some countries, there was an official response of solidarity from the state, while in others, major political parties still in opposition took a stand, such as the Socialist Party and Mitterrand in France and the Labour Party in Great Britain. In countries like France, Italy, and Spain, massive popular mobilizations took place, with demonstrations of around 100,000 people. (Macleod, 2011, p. 227).

Moreover, the international community supported the Chilean people's struggle against Pinochet's dictatorship. Since then, the human rights narrative has become an essential pillar in building political legitimacy. This rhetoric provided the symbolic space that welcomed international migrants arriving in Chile after the transition to democracy and served as one of the foundations for the expansion of political rights for migrants in the Southern Cone, particularly in Chile. Similar processes took place in Uruguay and Argentina, where human rights became a fundamental cornerstone of post-dictatorial southern political cultures, influencing the extension of political rights to immigrants in Chile.

As a result, the expansion of democracies, the defense of human rights, globalization, information technologies, and neoliberalism paved the way for the emergence of migration's political dimension and its forms of political participation. Without the convergence of these factors, this reality would not have

materialized. For instance, collective migrant actions in Santiago de Chile would have been unimaginable without the use of information technologies. Likewise, highlighting that all these variables impacted migrants' lives, as evidenced by fieldwork conducted in Santiago de Chile and Buenos Aires in the early 1990s is crucial. Various collective actions, organized by migrant and refugee organizations aiming to influence the Chilean governments of that period to grant different migration amnesties, allowing undocumented migrants to regularize their status in Chile were documented.

During those years, we focused on ensuring that the Aylwin, Frei, and Lagos governments granted legal status to the undocumented migrant population through the mechanism of "migration amnesties." To achieve this, we organized marches, public protests, and lobbying in Congress to gain governmental and civil society allies. In this way, we exercised our rights even without possessing the legal documents to do so. (Migrant activist 1, personal communication, March 15, 2024).

Thus, a transnational network began to take shape, involving the political participation of international migrants (Peruvians and Colombians in the social and political life of Chile and Argentina), political communities based on settlement, and, in Peru and Colombia, migrant-sending political communities. During those years, migrants became increasingly connected to more than one nation-state. Without the internet, this would not have been possible. However, human rights also played a crucial role, as it enabled migrants to secure support from civil society organizations in both countries (Luque, 2009).

Human rights functioned as a mechanism of political and democratic inclusion, bridging civil society and the state, which, in turn, facilitated the incorporation of migrants during the 1990s. The exiles of past dictatorships became the very people who extended hospitality to migrants and refugees in the Southern Cone. This contributed to the grassroots development of migration's political dimension in Chile:

We faced a challenge upon arriving in Chile as refugees; at first, it seemed as though we were alone in confronting Fujimori's dictatorship, but that was not the case. In Chile, there was a strong civil society committed to human rights, with organizations such as CODEPU, FASIC, and SERPAJ, among others. These organizations welcomed us with solidarity and supported our two fundamental missions: advocating for the rights of migrants in Chile and resisting Fujimori's dictatorship. (Migrant activist 2, personal communication, March 18, 2024).

This is a significant observation, as it confirms the existence of migrant struggles in this Andean country dating back to the 1990s, alongside two distinct forms of human mobility: political (refugees) and economic (those displaced by neoliberal economic reforms). From this perspective, Chile has remained an attractive destination for migrants in the region for two key reasons: its economic stability and its visa pathway to the United States. According to data from the National Institute of Statistics (INE, 2018), by 2022, 1,625,074 foreign nationals were residing in Chile. Within this historical context, 2012 stands out as a turning point. That year, the Chilean government partially extended political rights to migrants with permanent residency in the country. All of this took place within a liberal democracy, crafted “to the extent possible” and still constrained by the authoritarian enclaves of Pinochet’s dictatorship-era constitution.

The Convergence of Transnationalism: Between Destiny and Nostalgia

Migration flows evolve over time and across different spaces, generating “nodes” that become increasingly complex as time passes. New social dynamics emerge, and identities are redefined, creating both collective and individual identities that are negotiated, blended, and fused between places of origin and destinations. This process establishes a new experience that is not “anchored” to a specific territory (Stefoni, 2004).

The arrival of migrants in host countries gradually transforms these spaces through coexistence and exchange. For example, in Chile, the Peruvian community redefined certain subnational spaces in central Santiago during the 1990s, leading to the creation of “Lima Chica” in the heart of the city (Luque, 2007).

Given this interplay of identities, interaction fosters both differentiation and the cultural construction of the “other,” generating imaginaries, representations, or stereotypes that can either facilitate or hinder migrants’ integration. From this perspective, migrants encountered two discursive logics from Chileans: one rooted in the nationalist social dynamic of friend/enemy relations, and another that prioritized the inclusion of the “other.”

The Chilean Carabineros were very racist toward us and particularly violent and abusive. They wouldn’t let us sell our food on the streets and constantly arrested and insulted us for being “negritos.” That’s when I met the comrades from the Comité de Refugiados Peruanos because they defended us from the “pacos” and were accompanied by Chilean lawyers from CODEPU. That was when I decided to organize—if we just went along with it, we wouldn’t last in Chile. So, I went to

work with my fellow countrymen in "Lima Chica." (Migrant activist 3, personal communication, March 25, 2024).

The ideas of methodological nationalism were reworked, and a concept of transnational imagined communities was constructed, where social, political, and cultural relationships were recreated, particularly at the translocal level (Luque, 2002). This shift brought immigration into sharper focus for various reasons. At the same time, institutional transformations took place, bringing significant changes at the local level. This was particularly evident in the establishment of municipal migrant assistance offices in communes such as Recoleta, Independencia, Santiago, Arica, and Quilicura, among others.

A History of International Migration in Chile

After its independence, Chile began to receive a significant group of migrants from various European countries, primarily Spain, England, Germany, and Italy. In this sense, highlighting that Chile experienced two types of migration is important: "spontaneous" and "planned." The first refers to immigrant groups that arrived in the country of their own accord, while the second involved the state implementing a series of strategies to attract migrants to Chile to promote national growth and progress (Cano et al., 2009).

Independence and the abolition of slavery influenced the development of wage labor and trade, which led to the spontaneous arrival of the first groups of British and French immigrants at the Port of Valparaíso. The British were overseas merchants motivated by the California Gold Rush, coming to Chile to stock up on supplies before heading to the United States. The French, on the other hand, settled in the capital and influenced the educational system with their cultural legacy. Various scholars agree that both groups of immigrants made significant contributions to the country's development (Cano et al., 2009).

In the mid-19th century, planned migration began, with immigration policies aimed at attracting European migrants. There were also national defense considerations due to the imperialist expansion of European countries. In 1850, the colonization of the south began, with German settlers arriving in the rural areas of Valdivia and Llanquihue.

The Chilean state hired and financed German immigrants, offering them land and various concessions. The goal was to "improve the race" of the country by rigorously selecting European migrants while excluding those of Asian and

Arab origin, arriving in Chile later and facing discrimination from locals for being considered members of "inferior races" (Stefoni, 2001).

In the northern regions of Tarapacá and Antofagasta, groups of Asian immigrants arrived to work in the mines. Later, in the 1930s, groups of Arab and Korean immigrants settled in Chile. Additionally, between 1820 and 1880, more than six thousand foreigners arrived, many of whom were deserters from the navies of the United States and various European countries, particularly Britain, Italy, France, and Germany. These sailors entered the country through the ports of Valparaíso, Coquimbo, Talcahuano, Coronel, and Ancud. The recorded numbers of sailors only account for those officially registered on ships, excluding those who were not permanent crew members.

According to the 1865 population census, these immigrants accounted for 27.2% of the total immigrant population in Chile. Many settled in the country through marriage with Chilean women. As Gilberto Harris (2001) notes in his book *Emigrantes e inmigrantes en Chile, 1810-1915. Nuevos aportes y notas revisionistas*, between 1845 and 1885, marriage records from the *Doce Apóstoles* and *Espíritu Santo* parishes in Valparaíso show that 10% of the grooms were foreigners, mainly from the British and U.S. navies. Those who did not marry worked as laborers in supply stores or engaged in smuggling, as they were pursued by maritime authorities from their home countries due to their status as deserters.

At the dawn of the 20th century, immigrants of Yugoslav origin arrived in Chile, settling in what are now the Magallanes and Antofagasta regions under governmental policies. Another group of immigrants who had a strong impact on commerce, particularly in Santiago, were Arab/Palestinian migrants, followed later by Spaniards fleeing the Spanish Civil War. Years later, as a result of World War II, thousands of Europeans migrated to various parts of the American continent (Harris, 2001). The following table presents an overview of this process between 1854 and 2002.

Table 1. Evolution of the Foreign Population and Percentage of the Total Population in Chile (1854-2002).

Year	Total Population	Born Abroad	Percentage of Total Population
1854	1 439 120	19669	1,4
1865	1 819 223	21982	1,2
1875	2 075 971	25199	1,2

Year	Total Population	Born Abroad	Percentage of Total Population
1885	2 507 005	87077	3,5
1895	2 695 625	79056	2,9
1907	3 231 496	132 312	4,1
1920	3 731 593	114 117	3,1
1930	4 287 445	105 463	2,5
1940	5 023 539	107 273	2,1
1952	5 932 995	103 878	1,8
1960	7 374 115	104 685	1,4
1970	8 884 768	90441	1
1982	11 275 440	84345	0,7
1992	13 348 401	114 597	0,9
2002	15 116 435	195 320	1,3

Source: Cano *et al.* (2009, p. 12).

During the following years, a clear trend toward increasing numbers of foreigners in Chile emerged. In fact, by 2023, the National Migration Service estimated the number of foreign residents in the country at 1,918,583, meaning that over roughly two decades, this figure had increased nearly tenfold since 2002.

Migration policies were historically characterized as favoring European immigration, a population that ultimately displaced the native and indigenous groups. However, this changed with the arrival of Chile's political transition in 1990. The country opened up to larger migration flows, welcoming people from lower socioeconomic backgrounds, which reshaped the collective Chilean perception of migrants.

Chile's first migration law was enacted in 1850, allowing around 2,500 German settlers to establish themselves in the south, specifically in Valdivia and Puerto Montt. This same law, over the following decades (1859-1890), facilitated the arrival of a large number of people from Asia, who primarily worked in mining in northern Chile. Between 1883 and 1905, more than eight thousand people, Italian, Spanish, and Swiss nationals, arrived in the country.

In 1973, a military coup overthrew the constitutional government of Salvador Allende, leading to a brutal military dictatorship under General Augusto

Pinochet. In 1975, the regime enacted a decree known as the "Immigration Law," aimed at controlling the entry and exit of individuals under the pretext of preventing the infiltration of so-called "enemies" of the regime (Cano et al., 2009). This law remained in effect for over 35 years and continued to regulate migration in Chile. During the successive governments of the coalition, up to President Ricardo Lagos, various initiatives were developed to address migration. However, a new migration law proposed during President Patricio Aylwin's administration was not approved by Congress, and only minor modifications were made. These adjustments were merely temporary measures intended to address immediate migration contingencies.

The Bachelet Government and International Migrants

On June 3, 2013, a new Migration Bill was introduced in the Chamber of Deputies of Chile, signed by President Sebastián Piñera, whose objective was to provide the Chilean state with a new institutional framework to manage migration in the country. The old immigration law was outdated compared to contemporary human rights-based regulations; it lacked sufficient categories of migration status, making it necessary to redesign the Department of Immigration and Foreign Affairs to fit the new context. The bill recognized Chilean citizens living abroad, facilitate deportation and expulsion procedures for unwanted foreigners, and establish clear criteria for validating foreign academic degrees (Charry, 2014).

However, this bill was ultimately inconsequential, as it was discarded by the new government of President Michelle Bachelet in 2014 for being deemed insufficient. Rodrigo Sandoval, head of the Immigration Department, stated in an interview with *Diario La Tercera* that in this bill:

Modern migration models and realities do not fit within the current bill, so the visa structure will be reviewed to introduce different migration modalities that align with reality. One solution to consider is expanding residency models. The important thing is to ensure that the law covers all possible scenarios, something that is not currently being done. (Sandoval, 2014, para. 5).

Therefore, the approach should be modified from one that "considers foreigners and migration a threat, absolutely subordinating people's right to migrate to the criteria of the administrative authority," toward a migration policy with "a perspective of inclusion, regional integration, and a rights-based approach that ensures the effective integration of this population into the country

and allows for dynamic, cooperative, and efficient coordination among all public entities involved in migration policy" (Bachelet, 2005, p. 155).

It is worth noting that during the first two years of Bachelet's administration, several modifications were made to the existing regulations. Although progress on a new law was postponed for a future government, some of the changes implemented included:

- The guarantee of access to healthcare for all immigrants.
- The establishment of a new work visa, which allows immigrants to work for more than one employer, change jobs without additional cost, and engage in any lawful activity. Additionally, once a contract ends, a new one can be signed without requiring a new visa, and permanent residency can be requested after one year of employment.
- The existence of a temporary visa for civil unions, recognizing couples joined through a civil bond, whether celebrated abroad or in Chile, regardless of gender. This ensures full recognition and protection for families in all their forms, guaranteeing equality before the law and removing the discretionary power of authorities or officials in such matters.
- The elimination of fines for minors under 18 years old for violations of immigration regulations. Parents or guardians could not be held accountable either, and if minors had their documents confiscated, they had to be returned. Deportation as a penalty for minors was strictly prohibited, and if a family group was reported, only the adults could be sanctioned.
- The recognition of Chilean nationality for all children of foreign parents born in Chile, regardless of their parents' immigration status. This meant that all children born in Chile were considered Chilean, except for those whose parents were in the service of a foreign government or were merely passing through the country. Consequently, the parents of these children were now classified as provisional residents rather than transient foreigners, regardless of their immigration status. Upon registration, the child was granted Chilean nationality, assigned a national identification number (RUT), and entitled to the same rights as any other Chilean citizen.

- The creation of a visa for convicted individuals, allowing those serving sentences under non-custodial conditions to obtain a permit enabling them to work.

Toward a New Institutional Framework for International Migration: New Migration Law 21325 of 2022

After 47 years in effect, Decree Law 1094 of 1975 was replaced by Law 21325, the New Migration and Foreigners Law, which was enacted on April 21, 2021, and came into force on February 12, 2022. This law seeks to shift the focus from national security to a more socially rights-oriented approach, aiming to enable safe, regular, and responsible migration. The purpose of this New Law is to prevent the irregular entry of foreigners and, consequently, to promote legal, orderly, and secure migration.

Some of its key elements include the following:

- To enter the country, the following requirements must be met: i) entry must be through an authorized border crossing with valid and current travel documents, such as passports, national ID cards, safe-conduct passes, or other recognized documents, and ii) there must be no legal prohibitions preventing entry.
- New migration categories have been established: i) transitory stay: allows individuals to remain in the country for a limited period (90 days, extendable) without prior authorization. In certain cases, it permits remunerated activities; ii) official residence (for diplomats); and iii) temporary residence, which is a permit granted to foreigners staying for a defined period. It is valid for two years, except for temporary workers, and can be extended up to five years; and iii) permanent residence, which allows foreigners to settle indefinitely in Chile and engage in any lawful activity. It is available to individuals with a temporary residence permit who have lived in the country for at least 24 months.
- The subcategories of temporary residence include: i) foreigners engaging in lawful remunerated activities, who must present a contract of no less than three months, ii) individuals with a formal job offer, and iii) foreigners intending to enter Chile to perform specific seasonal jobs for limited, one-time, or recurring annual periods. This permit cannot be extended for more than six months.

However, it is important to note that for this law to take full effect, the necessary regulations and supreme decrees must still be issued. At present, only its declarative sections and transitional provisions are in force, leading to legal gaps in its implementation.

The Political Participation of Immigrants Under Chilean Constitutional Regulation: The Emergence of Political Membership

International regulations concerning the political rights of individuals, regardless of their status, establish that civil and political rights are inalienable and universal. This is affirmed, for example, by the *International Covenant on Civil and Political Rights (ICCPR)* of 1966, the *International Covenant on Economic, Social, and Cultural Rights (ICESCR)*—along with its corresponding optional protocols—and the *Universal Declaration of Human Rights*.

The approach to these rights has been constructed from a methodological nationalist perspective, meaning that migrants are only recognized as having political rights in their country of origin, but not in their country of residence. The ICCPR follows this same logic, formulated under methodological nationalism; Article 25 states that citizens have the right to vote and be elected for representative and government leadership positions. Meanwhile, the Inter-American Commission on Human Rights (IACHR), in the *Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking* (Resolution 04/2019), establishes in Principle 31:

Every migrant has the right to participate in the civil and political life of their community in their country of origin and in the conduct of public affairs. This right includes the freedom to engage in public matters of their country of origin and the right to vote and be elected in that country's elections, in accordance with its legislation.

For its part, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, in Article 41, addresses the political rights of migrant workers but maintains the foundation of methodological nationalism:

1. Migrant workers and their families shall have the right to participate in the public affairs of their country of origin and to vote and be elected in elections held in that country, in accordance with its legislation.
2. The States concerned

shall facilitate, as appropriate and in accordance with their legislation, the exercise of these rights. (Resolution 45/158, 1990).

Taking into account the points outlined in the previous paragraphs, the Chilean case is unique and exceptional for several reasons. First, Chile distinguishes political rights from citizenship, creating a new form of limited political participation: a specific political membership granted to permanent residents, allowing them to vote but not to be elected. Chile is one of the pioneers in granting such rights, alongside Uruguay, New Zealand, and Malawi. In Latin America, only Paraguay, Uruguay, Ecuador, and Chile recognize the right of foreigners to vote in all types of elections, albeit with certain restrictions. For example, Paraguay requires permanent residence, Ecuador requires five years of residence, and Uruguay imposes a fifteen- years residency requirement, along with additional requirements (Beca, 2019).

Historically, since 1925, foreigners who met specific requirements were allowed to vote—or were at least eligible to vote—in municipal elections at the subnational level. Paradoxically, during one of the most violent military dictatorships of the 20th century in Latin America (referring to the regime led by the Military Junta under General Augusto Pinochet), these political rights were expanded nationwide. This set the precedent for the concept of political membership, which would later be extended to permanent resident migrants in Chile in the 21st century.

In fact, Beca (2019) notes that in the early years of Chilean independence, nationality was not a requirement to vote. The Electoral Regulation of 1810 only excluded foreigners who did not speak Spanish:

“The relevant circumstance for being able to vote was speaking the language of those organizing the nascent republic, without the need to be born in it or even to have any connection to it or its territory” (Beca, 2019, p. 197).

In the 1822 Constitution, the procedural principle linking citizenship to nationality was established. The 1823 Constitution defined that citizenship had two origins: natural and legal. The concept of "legal" allowed individuals who were not born in national territory to acquire Chilean nationality through alternative means, such as marriage or by possessing a profession or capital. It is important to place this argument in its historical context because it marks the foundational moment of the Chilean State and, therefore, the construction of its political institutions, including the institution of citizenship.

The 1833 Constitution reserved the designation of "active citizen" exclusively for Chileans, restricting the possibility for foreigners to access nationality, which became an essential requirement for citizenship and voting rights. Additionally, beyond the requirement of practicing a science, art, or industry, or

having capital in circulation or real estate, a ten-year residency and a declaration of intent to settle in Chile were required. Those married to Chileans only needed two years of residency (Beca, 2019).

The institutional path leading to the granting of political rights to migrants with permanent residency in Chile in 2012 began in 1828 with the issue of nationality acquisition, based on three principles: natural origin, legality, and military service. In 1833, the concept was restricted to the principle of active citizenship. In 1971, under the political inclusion policies of the Unidad Popular government led by Salvador Allende, partial political rights were extended to foreign residents at the subnational (municipal) level.

In 1980, this political participation was expanded to all levels of elections. Finally, in 2012, Chile recognized the voting rights of migrants in human mobility without requiring them to acquire citizenship, allowing them to vote in all elections. To be eligible, individuals had to meet the following requirements: be a foreigner over the age of 18, have five years of residence in the national territory, and not have been convicted of a serious crime. Additionally, Law 20568, enacted in 2012, established automatic voter registration and voluntary voting for all individuals qualified to participate in any election. This allowed resident migrants to be automatically registered. Furthermore, they were granted the right to join political parties.

Electoral Political Participation of Migrants in Chile Since 2012

Electoral participation of the immigrant population in Chile has been relatively low when analyzing the electoral processes that have taken place since 2013, the first year for which general information became available from the Electoral Service of Chile (SERVEL).

When examining the electoral processes of 2021, Table 2 shows that immigrant participation is low compared to that of the Chilean population. However, participation increases slightly in the presidential elections of that year, both in the first and second rounds.

Table 2. *Political Participation of Migrants with Permanent Residency in the 2021 Elections Compared to the Chilean Population*

Year	Election	Nationality	Voted	Did Not Vote	Total
2021	Municipal and Constituent Election	National	6 380 136 (44,04%)	8 105 133	14 485 269
		Foreign	66710 (16,1%)	348 414	414 921
	Presidential, Parliamentary, and Regional Council Elections	National	6 984 368 (48,1%)	7 525 667	14 510 033
		Foreign	90578 (20,13%)	359 345	449 923
	Presidential Runoff	National	8 219 831 (56,65%)	7 525 667	14 510 033
		Foreign	104 859 (23,2%)	345 064	449 923

Source: Authors' elaboration based on SERVEL data.

Compared to previous elections, the trend of low participation remains consistent, as shown in Table 3, which includes SERVEL data for elections held between 2013 and 2020. The elections that generated the highest voter turnout among the immigrant population are the 2013 presidential elections (19.2%) and the 2020 plebiscite (20.9%).

Table 3. *Political Participation of Migrants with Permanent Residency During the 2020-2013 Elections Compared to the Chilean Population.*

Year	Election	Nationality	Voted	Did Not Vote	Total
2020	Plebiscite 2020	National	7 431 911 (50,9%)	6 985 457	14 590 033
		Foreign	79212 (20,9%)	299 617	378 829
2017	Primaries	National	1 797 019 (13,5%)	11 998 977	13 295 996
		Foreign	15696 (6,1%)	241 131	256 827
2016	Municipal Elections	National	4 891 555 (35,2%)	8 991 045	13 882 600
		Foreign	26727 (11,2%)	211 989	238 716
	Presidential, Parliamentary, and Regional Council Election	National	6 634 620 (49,5%)	6 758 626	13 393 246
		Foreign	34465 (19,2%)	145 432	179 897

Source: Authors' elaboration based on SERVEL data.

Despite this, the electoral participation of the migrant population increased significantly, rising from 20.9% in 2020 to 61.3% in the constitutional plebiscite of September 2022 (SERVEL, 2023).

Analysis of the 2022 Electoral Roll: Migrant Population

The statistical information analyzed comes from the databases of the Electoral Service of Chile (SERVEL). These are open data, available on the website of this electoral institution.

The electoral roll includes the total number of registered individuals eligible to vote (citizens and foreign residents) in a given election. According to SERVEL data, as of September 2022, there were 514,623 foreign nationals were registered to vote.

The countries of origin of these individuals with the highest presence in the 2022 SERVEL electoral roll are predominantly from Latin America and include:

- Peru (167,348)
- Colombia (68,432)
- Bolivia (54,409)
- Argentina (31,375)
- Haiti (26,572)

This is shown in the following table.

Table 4. *Number of Foreign Nationals Registered in the SERVEL Electoral Roll.*

Country	Oct-20	May-21	Nov-21	Sept-22	% Sept-22	Variation 2020 vs 2022 (%)
Peru	138381	149314	157003	167348	32,5	20,9
Colombia	42048	49746	56488	68432	13,3	62,7
Bolivia	43440	47926	50766	54409	10,6	25,3
Venezuela	7148	10260	16153	34605	6,7	384,1
Argentina	28563	29714	30449	31375	6,1	9,8
Haiti	5182	7595	13772	26572	5,2	412,8
Ecuador	15993	17000	17990	19679	3,8	23
Spain	13396	13981	14377	14782	2,9	10,3
Rep. Popular China	9097	10009	10680	11630	2,3	27,8
Brazil	8296	8778	9278	9975	1,9	20,2
United States	8772	9048	9188	9420	1,8	7,4

Country	Oct-20	May-21	Nov-21	Sept-22	% Sept-22	Variation 2020 vs 2022 (%)
Dominican Republic	4589	5038	5453	5922	1,2	29
Cuba	4840	5237	5561	5883	1,1	21,5
France	4541	4756	4926	5130	1,0	13
Germany	4810	4928	4950	5010	1,0	4,2
Uruguay	4614	4748	4832	4941	1,0	7,1
Mexico	3892	4129	4381	4595	0,9	18,1
Italy	3275	3362	3374	3488	0,7	6,5
Paraguay	2714	2947	3082	3295	0,6	21,4
Korea	2712	2776	2817	2866	0,6	5,7
United Kingdom	2007	2055	2085	2130	0,4	6,1
Others	20519	21573	22314	23136	4,5	12,8
Total	378829	414920	449919	514623	100	

Source: Authors' elaboration based on SERVEL data.

The group of foreign nationals in the 2022 SERVEL electoral roll shows a significant presence of people of Peruvian origin, far outnumbering those of other nationalities. However, two countries stand out for their high growth rates in the Chilean electoral roll: Haiti, with an increase of 413%, and Venezuela, with an increase of 384%. In terms of percentage distribution, six countries of origin account for nearly three-quarters of the foreign nationals registered in the SERVEL's electoral roll. These countries are Peru, Colombia, Bolivia, Venezuela, Argentina, and Haiti.

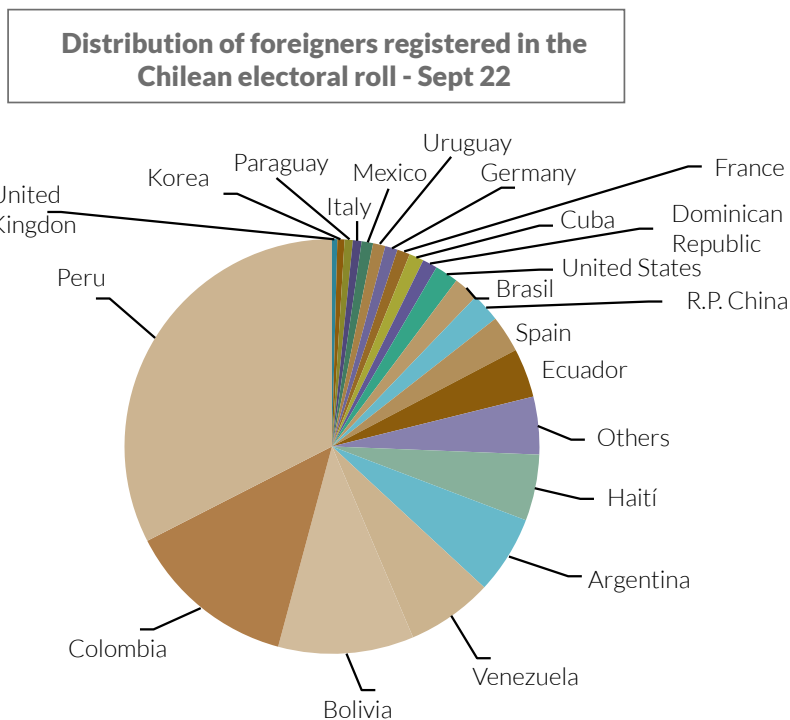


Figure 1. *Distribution of Foreigners Registered in the Chilean Electoral Roll - Sept 2022.*

Source: SERVEL.

Voting by Registered Immigrants in the 2020 Plebiscite

The information analyzed is based on the data available in the 2022 SERVEL databases. It indicates that records exist for the total number of people who voted in the 2020 plebiscite. SERVEL registry data show that the percentage of men and women who voted in the 2020 plebiscite was very similar, with a slightly higher participation rate among women (52.4%) compared to men (49.0%).

Table 5. Total Number of People Who Voted in the 2020 Plebiscite.

		Sex					
		Female		Male		Total	
		N	% col	N	% col	N	% col
Suffrage	Did not vote	3627003	47,6	3686657	51,0	7313660	49,2
	Voted	3993797	52,4	3548262	49,0	7542059	50,8
	Total	7620800	100,0	7234919	100,0	14855719	100,0

Overall, just over half of the eligible voters, both Chilean and foreign nationals, participated in the 2020 plebiscite, according to the SERVEL records.

When comparing the percentage of Chilean and immigrant voters registered in SERVEL's electoral roll who participated in the 2020 plebiscite, it is evident that foreign nationals showed significantly lower interest in voting. While 51.6% of Chileans participated in the election, only 20.9% of immigrants cast their vote.

Table 6. Total Number of National and Foreign Voters in the 2020 Plebiscite.

		Nationality					
		Chilean		Foreigner		Total	
		N	% col	N	% col	N	% col
Suffrage	Did not vote	7014043	48,4	299617	79,1	7313660	49,2
	Voted	7462847	51,6	79212	20,9	7542059	50,8
	Total	14476890	100,0	378829	100,0	14855719	100,0

Source: SERVEL.

Regarding the migrant population that voted (79,212 individuals), the vast majority are unaffiliated (98.3%) with a political party. Among those who are party members, most belong to left-wing or center-left parties: the *Partido Comunista* (184), *Unión Demócrata Independiente* (183), *Renovación Nacional* (175), *Revolución Democrática* (168), *Igualdad* (108), and the *Partido Radical* (104).

Table 7. *Political Party Affiliation of Foreigners Who Voted in the 2020 Plebiscite.*

Political Party Affiliation of Foreigners Who Voted in the 2020 Plebiscite.	
Without Party	77876
Comunista de Chile	184
Unión Demócrata Independiente	183
Renovación Nacional	175
Revolución democrática	168
Igualdad	108
Radical de Chile	104
Humanista	79
Por la democracia	64
Socialista de Chile	52
Ecologista Verde	52
Federación Regionalista Verde Social	37
Partido Demócrata Cristiano	32
Ciudadanos	28
Evolución política	24
Partido Progresista de Chile	20
Regionalista Independiente Demócrata	13
Comunes	5
Partido Unión Patriótica	3
Nuevo Tiempo	2
Republicano de Chile	1
Partido Nacional Ciudadano	1
Partido Liberal de Chile	1

Source: SERVEL.

Given this situation, it is important to consider what could be termed "factors influencing migrant voter participation" in order to gradually reverse the high abstention rates in elections. A research note by Navarrete (2021) highlights the main factors to affecting immigrant voting.

- The duration of the migrant's residence in the country and their intention to stay in Chile for the next five years.
- The migrant's political history and experiences in their countries of origin.
- A high probability of voting among those with a Chilean partner.
- Membership in migrant organizations.
- Holding Chilean nationality.
- Having experienced discrimination in some situations.

Conclusions

The Chilean case is exceptional in the region because it distinguishes between political rights and citizenship, allowing for the institutional emergence of political membership. This mechanism enables foreigners with permanent residency in Chile to access limited political rights: allowed to vote but cannot be elected to positions of popular representation. In this regard, Chile has one of the most advanced legal frameworks for recognizing the political rights of immigrants, allowing them to vote in all elections, from presidential to local (mayors and councilors), as long as they meet the voting requirements.

The Chilean case has significant implications on theoretical and empirical debates for two key reasons. First, it surpasses methodological nationalism as the basic framework for considering and legislating the political rights of non-citizen residents in Chile. By promoting and institutionalizing the idea of political membership for foreigners with permanent residency in Chile, this case generates an institutional innovation that aligns with methodological post-nationalist methodologies. Clearly, political membership differs from citizenship-based political rights and serves as a first step toward a more profound institutional construction in the future.

Second, Chile offers a unique case study for observing the development and configuration of political rights from transnational and post-national perspectives, which are already clashing with nationalist frameworks. This dynamic may contribute to the rise of aporophobic and fascist political movements, as seen in the United States under Donald Trump's leadership and in Italy under the governance of far-right Prime Minister Giorgia Meloni.

Finally, so far, there has been no significant public discussion in Chile regarding the political rights of immigrants. The limited reflection on this topic has primarily come from the vibrant migrant civil society, organized through various migrant collectives.

Meanwhile, in Chilean civil society, the debate has been restricted to discussions on voting rights —both active (the right to vote) and passive (the right to be elected)— from a paternalistic perspective. This raises questions about exclusion and racism in Chile and their impact on the realization of political membership for foreigners with permanent residency. It also evokes the popular Chilean saying, *"Ya verás cómo tratan al amigo en Chile cuando es extranjero"* ("You will see how a friend is treated in Chile when they are a foreigner"), implying that political participation extends beyond elections and that voting is not the only form of political action. A significant advancement in this regard has been the recognition of the right of foreign voters to join Chilean political parties, a change that only came into effect in 2016.

A significant issue highlighted by Pérez et al. (2021), referencing Luis Thayer, the current director of the National Migration Service, is that failing to recognize migrants as rights-bearing subjects creates first- and second-class citizenships: *"where the former (natives) fully enjoy their rights without major access issues, while the latter are considered 'subaltern' or culturally inferior"* (Pérez et al., 2021, p. 3).

Citizenship implies Hannah Arendt's notion of *the right to have rights*, which raises questions about the potential future expansion of political rights. At the same time, considering the exclusionary rhetoric emerging from conservative and anti-immigrant political sectors it is crucial. They aim to roll back the political rights that organized migrants have won since the 1990s through various forms of collective action and organization within migrant civil society. In this regard, recognizing that migrant struggles in this southern country have been centered on dignity, social justice, and the pursuit of a shared, diverse, and democratic space is also essential. The *Migrapolis* that Santiago de Chile embodies this today.

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