

Doing Business in Chile

Guide 2025

FOREIGN WORKERS SPECIAL EMPLOYMENT CONTRACTS (AND NUEVA LEY MIGRACIONES)



EXECUTIVE SUMMARY

FOREIGN WORKERS

This article explains how immigration laws apply to foreigners seeking employment in Chile.

We begin with an overview of Chilean regulations and key immigration statutes. Then, we outline who can apply for a work visa, the requirements, and essential terms for employment contracts.

Additionally, we cover visa exemptions, validity periods, and the process for permanent residency. We also address contract termination, whether tourists or students can work legally, and restrictions on foreign workers' employment rights.



CONSTITUTIONAL LAW

Foreigners residing or staying temporarily in Chile enjoy constitutional protection, granting them rights and obligations nearly identical to those of Chileans.

Certain exceptions exist under Chapter II of the Constitution:

- Patriotic duties (Article 22)
- Presidential & ministerial eligibility restricted to Chileans (Articles 25 & 34)
- Limitations on freedom of work (Article 19 N° 16, Subsection 2 & the Labour Code)

Foreigners have the right to life, safety and security, freedom of movement, education, work, association, social security, the right to own property, and economic activities without arbitrary discrimination. While they can hold public jobs, some positions require Chilean citizenship.

This reflects the Principle of Equality Before the Law (Article 19 N° 2 of the Constitution), which applies throughout Chile's legal system. No law or authority may establish arbitrary differences. Any legal distinctions affecting foreigners are presumed constitutional unless ruled otherwise by the Constitutional Court.

After five years in Chile, foreigners aged 18+ can vote. They may also apply for Chilean nationality if they:

- Hold Permanent Residency
- Have financial stability
- Are 18+ (or 14+ with guardian approval)

IMMIGRATION LAW

The regulations governing entry, residency (temporary and permanent), exit, re-entry, deportation, and oversight of foreigners in Chile are set out in Law 21,325 and Decree 296 of the Ministry of the Interior.

In general, foreigners may enter Chile freely, provided they meet the legal requirements. Residency is subject to the conditions, requirements, and restrictions established by these regulations.



VISAS

General rule: A valid passport is required to enter Chile. However, nationals from Argentina, Paraguay, Uruguay, Brazil, Ecuador, Colombia, Peru, and Bolivia may enter with their national identity card.

Tourist visas: Tourists are defined as foreign nationals entering Chile for recreational, sporting, health-related, educational, business, family, religious, or similar purposes, without the intention of migrating, establishing residency, or engaging in remunerated activities.

Chile does not offer a business visa, so foreign investors must enter under a tourist visa. Most nationalities receive this visa upon arrival, but some must apply in advance at a Chilean consulate. Tourists may stay for up to 90 days, with extensions available for a \$100 fee. While tourists cannot engage in remunerated activities, they may apply for a special work permit, valid for 90 days and renewable with an additional 50% fee.

Temporary-resident visas: These visas are issued by the National Migration Service (SERMIG) to foreigners who meet specific immigration subcategories, such as family ties, employment, commercial interests, or humanitarian reasons. These visas are typically valid for up to two years (except for seasonal workers) and allow holders to engage in various legal activities in Chile. To remain in the country after expiration, visa holders must apply for permanent residency.

Working visas: Issued for an initial two-year period, renewable once, after which permanent residency may be requested. They allow foreigners to work in Chile under an employment agreement.

For foreigners coming to perform lawful remunerated activities, there are several types of Temporary Residence, including:

- Employment Contract Visa – For foreigners hired by Chilean companies.
- Investment Visa – For individuals making significant investments in Chile.
- Seasonal Worker Visa – For employment in seasonal industries.
- Business Management Visa – For executives requiring frequent entry to Chile.
- Mercosur Residency – For nationals of Argentina, Brazil, Paraguay, Uruguay, and Bolivia.

Each type of Temporary Residence has its own requirements and characteristics. The most common is for conducting lawful remunerated activities, which applies when a foreigner applies for a visa due to an employment offer from a Chilean company. The conditions and required documents are as follows:

- Employer must have a domicile in Chile.
- Employment contract must be notarized and signed at a Chilean consulate.
- Application must normally be made from outside Chile.
- Criminal record certificate from the applicant's country of residence (last five years).



- Legal proof of employer representation and financial solvency (SII tax documents).
- Applications are submitted online via the National Migration Service portal, which will make the decision and issue a formal resolution.

Note that family members of visa holders may obtain the same visa but cannot engage in remunerated activities.

It is important to note that the family members of the foreign businessperson are eligible for the same visa granted to them, although it does not permit engagement in remunerated activities.

RESTRICTIONS ON FREEDOM TO WORK

The Constitution allows the law to require Chilean citizenship in certain cases. Under the Labour Code, employers with more than 25 employees must ensure that at least 85% of their workforce consists of Chilean citizens.

When calculating the number of employees:

- The total workforce across all locations is considered, not just individual branches.
- Specialized technical personnel are excluded.
- Foreigners with Chilean spouses, children, or widow(er) status are counted as Chilean.
- Foreigners who have resided in Chile for over five years (excluding short absences) are also counted as Chilean.