

**TEMPORARY ENTRY TO CHILE UNDER
THE CHILE-U.S. FREE TRADE AGREEMENT**

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Guide for U.S. business persons

The Chile-U.S. Free Trade Agreement (“the Agreement”) is an important step in further developing close economic and cultural relations between the two countries. Facilitating the entry of U.S. business persons into Chile is a critical component of achieving that goal.

Chapter 14 of the Agreement, which addresses the issue of temporary entry, defines four categories of business persons:

1. Business visitors
2. Professionals
3. Intra-company transferees
4. Traders and investors.

Entry facilities for businesspersons contemplated in this Agreement benefit only Chilean and U.S. nationals.

COMMON RULES FOR ALL CATEGORIES OF BUSINESS PERSONS

Business persons may apply for the above visa categories in any Chilean General Consulate abroad. Visa applications may also be submitted at the “Departamento de Extranjería y Migración” (Aliens and Migration Department), Ministry of the Interior, in Santiago, and at the respective Provincial Governorships in Chile’s Regions. (See Annex at the end of this document).

If a business person qualifies under any one of the visa categories, he or she will be given a temporary resident visa, which authorizes him or her to enter the country.

The business person who has been granted a temporary resident visa is allowed to work in Chile without express authorization for that purpose. It is possible to work for more than one employer at the same time, provided that such jobs are within the category applied for, as mentioned in the relevant application.

The Agreement is intended to facilitate the temporary entry of business persons, but its terms do not entitle business persons to apply for permanent residence in Chile.

This Agreement does not supersede other requirements regarding licenses, certification or revalidations that temporary residents must meet to practice a profession or activity according to the specific regulations in force in Chile for that profession or activity.

This Agreement does not alter general immigration requirements, nor the requirements relating to public order, national security, sanitary regulations and passports.

Family dependents may accompany U.S. business persons to Chile if they meet the general immigration regulations. Such dependents may be qualified separately according to the Agreement or according to the general immigration rules. In the event that family dependents enter in Chile in that capacity, they will be allowed to study in any educational institution, but they may not undertake gainful employment.

During the term of the temporary resident visa, business persons and their qualified dependents may enter and re-enter Chile as many times as they wish.

Upon expiration of the temporary resident visa granted to a business person under this Agreement, both the applicant and his or her family dependents may renew it or apply for any of the immigration categories prescribed by the Chilean laws, according to the requirements and procedures set forth therein.¹

¹ The family members who live with the applicant, including the spouse, and the parents or children of either or both.

I.- BUSINESS VISITORS

A Business visitor is a person who applies for temporary entry to Chile with the intention of participating in international business activities related to research and design, growth, manufacture and production, marketing, sales and after-sales services activities, as well as general services stated in Appendix 14.3 (A)(1), without the intention of entering the Chilean labor market

Appendix 14.3(A)(1) contains a limited list of activities that qualify the applicant as a business visitor, and whose practice in Chile would not require express working authorization once the temporary residence has been obtained.

The business visitor can stay in Chile for up to six months. However, the immigration authority can restrict this stay to the time necessary to develop the proposed activity. Conversely, if the business visitor requires a period longer than the one granted, and if the conditions under which the visa was originally granted are still the same, he or she may apply to the Chilean immigration authorities for an extension within 90 days prior to the expiration of his or her resident visa.

Definitions

For purposes of the Appendix 14.3 (A) (1):

Territory of the other Party means the territory of the Party other than the territory of the party into which temporary entry is sought.

Requirements for U.S. business visitors to be entitled to temporary residence

- (1) Evidence of U.S. nationality: nationality can be proven by exhibiting a valid passport, provided that a statement in that respect is contained in the passport.
- (2) Evidence that the business activity to be carried out is one of those described in Appendix 14.3(A)(1). This requirement can be fulfilled by a certified letter from the applicant's employer
- (3) Evidence that the proposed business activity is international in scope and that the U.S. business person is not seeking to enter the Chilean labor market. International scope can be demonstrated by proving that:
 - The primary source of remuneration for the activity is outside Chile.
 - The principal place of business of the applicant and the place where the profits are generated, at least predominantly, remain outside Chile.

Although according to the Agreement, a verbal statement is sufficient to prove the international scope of the business activity, a letter from the applicant's employer or a letter of invitation will facilitate the process.

- (4) Not to be included in any one of the events stated in articles 15 and 16 (inadmissibility of aliens) of the Aliens Law (D.L. 1.094 as of 1975) which refer to public order and national security.
- (5) In case of business visitors who render after-sales services, they must prove that they meet the following requirements:

- The purpose of entry is to install, repair, maintain, supervise or train workers, pursuant to a guarantee contract or any other service signed as an integral part of the sales of the equipment or machinery during the effective life thereof.
- The equipment or machinery must be commercial or industrial (not domestic or personal).
- The work to be carried out requires specialized knowledge.
- The business person must belong to the enterprise that sold the equipment or machinery or to the enterprise in charged with its functioning.

These requirements must be proved by submitting a legalized copy of the sales contract, the guarantee or the service agreement.

The activities that can be claimed by the business visitor to become eligible for this category are set forth in Appendix 14.3(A)(1), and are the following:

Meetings and Consultations

- Business persons attending meetings, seminars, or conferences; or engaged in consultations with business associates.

Research and design

- Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of the other Party.

Growth, manufacture and production

- Purchasing and production management personnel, conducting commercial transactions for an enterprise located in the territory of the other Party.

Marketing

- Market researchers and analysts conducting independent research or analysis or research or analysis for an enterprise located in the territory of the other Party.

- Trade fair and promotional personnel attending a trade convention.

Sales

- Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in the territory of the other Party, but not delivering goods or providing services.
- Buyers purchasing for an enterprise located in the territory of the other Party.

Distribution

- Customs brokers providing consulting services regarding the facilitation of the import or export of goods.

After-sales Services

- Installers, repair and maintenance personnel, and supervisors possessing specialized knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside the territory of the Party into which temporary entry is sought, during the life of the warranty or service agreement.

General Services

- Management and supervisory personnel engaging in a commercial transaction for an enterprise located in the territory of the other Party.
- Financial services personnel (insurers, bankers or investments brokers) engaging in commercial transactions for an enterprise located in the territory of the other Party
- Public relations and advertising personnel consulting with business associates, or attending or participating in conventions.
- Tourism personnel (tour or travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in the territory of the other Party.
- Translators or interpreters performing services as employees of an enterprise located in the territory or the other Party

II. TRADERS AND INVESTORS

A trader is a person who seeks to carry out a substantial trade in goods and services, mainly between Chile and the United States.

An investor is a person who seeks to establish, develop, manage or render key assistance or technical services to administer an investment where a person or his or her enterprise has committed or is in the process of committing a considerable amount of capital.

Traders and investors shall also hold supervisory or executive offices or possess technical skills that are considered necessary to the business or investment.

These business persons can stay in Chile for up to one year. Their permit to stay may be extended for equal periods as many times as applied for, provided that the conditions that gave origin to the granting of such permit remain unchanged. The extension must be requested to immigration authorities in Chile within 90 days prior to the expiration of the authorization to stay.

Requirements for a U.S. business person to obtain temporary residence in Chile:

1. Evidence of U.S. nationality: nationality can be proven by exhibiting a valid passport, provided that a statement in that respect is contained in the passport.
2. Evidence that the enterprise is of U.S. nationality. It is considered that an enterprise is from the United States if its principal place of business is located in United States and its capital has been subscribed in that Country.
3. Evidence of substantial trade exchange in goods or services between the trader and Chile. This requirement can be proved by means of documents such as invoices, shipping documents or vouchers.

4. Evidence that the applicant has been appointed to an executive or supervisory office or has special training for the operation of the enterprise.
5. Not to be included in the events contemplated in articles 15 and 16 (inadmissibility of aliens) of the Aliens Law (D.L. 1.094 as of 1975), relating to public order and national security.

Requirements for the U.S. investor to obtain temporary residence:

1. Evidence of United States nationality. This nationality can be proved by exhibiting a valid passport, provided that a statement in that respect is contained in the passport.
2. Evidence that the enterprise is of U.S. nationality. To these effects, it will be considered that the enterprise is from the U.S. if its principal place of business is located in the United States and its capital has been subscribed in that country.
3. Evidence that the investment has already been made or is in the process of being made. The investor must prove that he/she has committed a significant amount of funds.
4. Evidence that the applicant has been appointed to an executive or supervisory office or has special training for the operation of the enterprise.
5. Not to be included in the events contemplated in articles 15 and 16 (inadmissibility of aliens) of the Aliens Law (D.L. 1.094 as of 1975), relating to public order and national security.

III. INTRA-COMPANY TRANSFEREES

The category of intra-company transferee inside an enterprise includes executive officers, managers or personnel with specialized training working for an enterprise, who are seconded by that enterprise to work in its main office, or in any of its branches, agencies, subsidiaries or affiliates in Chile.

The term enterprise includes both Chilean and U.S. legal entities as well as natural persons.

After obtaining temporary residence, the intra-company transferees inside an enterprise will be allowed to work in Chile without express authorization.

The transferee can stay in Chile up to one year; this period may be extended upon application filed at least 90 days before the expiration of the permit to stay, provided that the conditions under which the permit was granted remain unchanged. Extension can be granted for up to one year and be applied for as many times as necessary, before the migration authorities in Chile.

For the purpose of applying for temporary entry to Chile under this category of business persons, the following definitions apply:

- **Manager:** a person who mainly conducts the organization, department, subdivision or function of the organization; supervising and controlling the work of the supervisory or professional; leading an essential function within the organization, department or subdivision and exercising his/her own discretion as regards daily operations over which he/she has authority.
- **Executive Officer:** a person who mainly directs the administration, organization, a component or an important function thereof; establishing objectives and policies. He/she has ample powers to make discretionary decisions and is only subject to the supervision or general direction of senior executive officers, board of directors or shareholders.
- **Specialized knowledge:** a special knowledge of the product, services, research, equipment, techniques, management or interests of the organization

and their application to international markets, or an advanced level of knowledge or expertise in the processes and procedures of the organization.

Requirements for a U.S. intra company transferees to obtain temporary residence in Chile:

1. Evidence of U.S. nationality: nationality can be proved by exhibiting a valid passport, provided that a statement in that respect is contained in the passport.
2. Evidence that the enterprises located in Chile and the United States are clearly related; that is, that the headquarters, a branch office, an agency, a subsidiary or an affiliate is involved
3. Description of the purpose and position for which temporary entry to Chile is requested.
4. In the case of a person with specialized knowledge, it must be proved that:
 - That person holds such knowledge, and
 - That such knowledge is necessary for the proposed position in Chile.

The requirements listed under 2, 3 and 4 can be evidenced by means of a letter or statement signed by the U.S. or Chilean employer.

5. As set forth in the Agreement, a confirmation can be required that the business person had been employed by the enterprise uninterruptedly for one year, within the three years immediately before the date on which the application was filed.

Generally, this requirement shall be waived by the Chilean migration authorities.

6. Not to be included in the events contemplated in articles 15 and 16 (inadmissibility of aliens) of the Aliens Law (D.L. 1.094 as of 1975), relating to public order and national security.

IV. PROFESSIONALS

For the purposes Chapter 14 of the Agreement, a professional is a person who applies for temporary entry to Chile to carry out professional activities, holds theoretical and practical specialized knowledge, and holds a post secondary degree in that particular field of at least four years of duration; or the person has intentions to carry out business activities within the scope of any of the professions enumerated in Annex 14.3 (D) (2), as long as the business person meets the minimum educational requirements there established; or to carry out training functions related to a particular profession, including the conduction of seminars.

For practicing each profession, the specific rules prescribed by each Party's domestic regulations must be observed, such as, licenses, revalidation or recognition mechanisms.

For the temporary entry to Chile, any baccalaureate or bachelor's degree and certified post-secondary diploma shall be awarded by a university or educational institution from Chile or the United States

A professional can stay in Chile for up to one year; thereupon, he/she may apply for extension before the Chilean migration authorities at least 90 days prior to the expiration of his resident visa, provided that the conditions that gave rise to its granting remain unchanged.

No such professional can practice independently.

Requirements for U.S. professionals to obtain temporary residence:

1. Evidence of U.S. nationality: nationality can be proved by exhibiting a valid passport, provided that a statement in that respect is contained in the passport.
2. Evidence that the person possesses theoretical and practical specialized knowledge, and holds a post secondary degree in that particular field of at least four years of duration.

This requirement is fulfilled by submitting a legalized copy of the applicant's academic background, accrediting his/her academic degree of bachelor, masters or doctorate.

Evidence of a pre-established employment with a Chilean enterprise, in a position that corresponds to his/her profession.

Both requirements and the requirement contained in number 2 are met by submitting a contract with a Chilean enterprise or an employment offer between the business person and an employer in Chile and that such offer has been accepted, or a contract or offer which has been accepted between the employer of the U.S. business person and an employer in Chile.

3. Not to be included in the events contemplated in articles 15 and 16 (inadmissibility of aliens) of the Aliens Law (D.L. 1.094 as of 1975) relating to public order and national security.

Appendix 14.3(D)(2)

PROFESSION	MINIMUM EDUCATION REQUIREMENTS AND ALTERNATIVE CREDENTIALS
Disaster Relief Claims Adjuster	Baccalaureate or <i>Licenciatura</i> degree, or <i>Titulo Profesional</i> , and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims; or three years experience in claims adjustment and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims.
Management Consultant	Baccalaureate or <i>Licenciatura</i> degree, or <i>Titulo Profesional</i> . If the degree is in a discipline not related to the area of the consulting agreement, then equivalent professional experience as established by statement or professional credential attesting to three years experience in a field or specialty related to the consulting agreement is required.
Agricultural Manager	Baccalaureate or <i>Licenciatura</i> degree; or <i>Titulo Profesional</i> ; or post-secondary

¹ **Post-secondary certificate** means a certificate issued on completion of post-secondary education, by an academic institution recognized by the Government of Chile, or accredited by the relevant competent authority in the United States.

	certificate ¹ requiring three years of study in the specialty and three years experience in the specialty.
Physical Therapist	Baccalaureate or <i>Licenciatura</i> degree; or <i>Titulo Profesional</i> ; or post-secondary certificate requiring three years of study in the specialty and three years experience in the specialty.

Annex

The General Consulates of Chile in the United States where you can apply for temporary residency under this Agreement are:

WASHINGTON

1734 Massachusetts Ave. N.W., Washington, D.C. 20036

Phone 1(202) 530 4105

Fax 1(202) 530 4145

Email- consulado@embassyofchile.org

SAN FRANCISCO

870 Market Street West, Suite 1058, San Francisco, California 94102

Phone: 1(415) 982 7665 – 982 7662 – 362 0400

Fax 1(415) 982 2384

Email- cgsfchile@aol.com

HOUSTON

1360 Post Oak Boulevard, Suite 1330, Houston, Texas 77056

Phone 1(713) 621 5853 – 963 9066

Fax 1(713) 621 8672

Conchihous@aol.com

NEW YORK

866 United Nations Plaza, Suite 601; New York, N.Y. 10017

Phone: 1(212) 355 0612 – 980 3707 – 980 3706 – 980 3366 – 980 3504

Fax: 1(212) 888 5288

E-mail: recepcion@chileny.com

MIAMI

800 Brickell Ave., Suite 1230, Miami, Florida 33131

Phone: 1(305) 373 8623 – 373 8624

Fax: 1(305) 379 6613

E-mail: cgmiamius@earthlink.net

LOS ANGELES

6100 Wilshire Boulevard, Suite 1240, Los Angeles, California 90048

Phone: 1(323) 933 3697 – 933 0187 – 933 0831

Fax: 1(323) 933 3842

E-mail: Cgchilela@aol.com

CHICAGO

875 North Michigan Av., Suite 3352, Chicago, Illinois 60611

Phone: 1 (312) 6548780

Fax: 1(312) 654 8948

E-mail: cgchicus@ameritec.net

PHILADELPHIA:

Public Ledger Building, Suite 1030; 6th Chesnut Streets, Philadelphia,
Pennsylvania 19106

Phone: 1(215) 829 9520 – 829 9531

Fax: 1 (215) 829 0594

E-mail: cnfilaus@infionline.net

Annex

If you enter Chile as a tourist and intend to obtain a temporary residence under this Agreement, you shall contact:

SANTIAGO

Departamento de Extranjería y Migración del Ministerio del Interior

Agustinas N°1235, 4° Floor, Santiago
Phone: 5502454 (planta)
Fax: 5502491

I REGION

Gobernación Provincial de Arica

7 de Junio N°188, 4° Floor, Arica
Phone(58) 232411
Fax (58) 252686

Gobernación Provincial de Parinacota

José Miguel Carrera N°350, Putre
Phone: (58)222735, (58)241322
Fax (58) 222735

Gobernación Provincial de Iquique

Costanera S/N°, Iquique
Phone: (57) 412549
Fax (57) 424196

II REGION

Gobernación Provincial de Antofagasta

Arturo Prat 384, 6° Floor,
Antofagasta.
Phone: (55) 459500
Fax (55) 459503

Gobernación Provincial El Loa

Granaderos 2296, Casilla 122, Calama
phone: (55) 342097, (55) 341293
Fax (55)342235

Gobernación Provincial de

Tocopilla

21 de Mayo 1645, Tocopilla

Phone: (55) 813182

Fax (55) 813157

III REGION

**Gobernación Provincial de
Chañaral**

Templo S/N, Chañaral

Phone: (52) 480141, (52) 480124

Fax (52) 480196

Gobernación Provincial de Copiapó

Chacabuco 520, 1° Floor, Copiapó

Phone: (52)212121

Fax (52) 212289

Gobernación Provincial de Huasco

Plaza Ambrosio O'Higgins s/n Casilla
182, Vallenar

Phone: (51) 613921,(51)611286

Fax (51) 614281, (51) 611286

IV REGION

Gobernación Provincial de Elqui

Aldunate s/n, Coquimbo

Phone: (51) 328819, (51) 311262

Fax (51)312287

Gobernación Provincial de Limarí

Socos 154, Ovalle

Teléfonos: (53) 620025

Fax (53) 620246

Gobernación Provincial de Choapa

O'Higgins 240, Illapel

Phone: (53) 521029

Fax (53)521318

V REGION

Gobernación Provincial de Petorca

Uribe s/n, La Ligua

Phone: (33)711181, (33)711055

Fax (33) 711014

Gobernación Provincial de Valparaíso

Melgarejo 669, 15° Floor, Valparaíso

Phone: (32) 328700

Fax (32) 328732

Gobernación Provincial de San Felipe

Merced 219, 2° Floor, San Felipe

Phone (34) 510800

Fax (34) 510690

Gobernación Provincial de Los Andes

Santa Rosa 280, Casilla 68, Los Andes

Phone(34)421138, (34) 421820

Fax (34) 425497

Gobernación Provincial de Quillota

Plaza de Armas s/n, Quillota

Phone: (33) 315877, (33) 313348

Fax (33) 313947

Gobernación Provincial de San Antonio

Barros Luco 1960, San Antonio

Phone: (35) 219607

Fax (35) 234904

Gobernación Provincial de Isla de

Pascua

Kiri Reva s/n, Hanga Roa, Isla de Pascua

Phone: (32) 100254,

Fax: (32)100252

VI REGION

Gobernador Provincial de Cachapoal

Plaza Los Héroes s/n, Rancagua

Phone: (72) 226772-224842-223191

Fax (72) 221492

Gobernación Provincial de Colchagua

Cardenal Caro 530, 3rd Floor, San Fernando

Phone: (72) 711023

Fax (72)721324

Gobernación Provincial de Cardenal Caro

Costanera 078, Casilla 21, Pichilemu

Phone: (72) 841069

Fax (72) 841780

VII REGION

Gobernación Provincial de Curicó

Carmen 560, esq. Merced, Curicó

Phone: (75) 310539,(75) 310086

Fax (75) 312846

Gobernación Provincial de Talca

2 Sur 1236, Talca

Phone:(71)226886

Fax (71)222969

Gobernación Provincial de Linares

Intendente Kurt Moller s/nº, Linares

Phone: (73) 100252

Fax(73) 210005

VIII REGION

Gobernación Provincial de Cauquenes

Estado s/n, Cauquenes

Phone: (73) 512332 (73) 513946

Fax: (73)511798

Gobernación Provincial de Ñuble

Libertador s/n, Edif. Público, Chillán

Pone /fax: (42) 225590

Gobernación Provincial de Bío-Bío

Caupolicán s/n° 3rd Floor, Los Angeles

Phone: (43) 314325

Fax (43) 322998

Gobernación Provincial de Concepción

Barros Arana 645, 5rd Floor, Concepción

Phone (41) 741313

Fax (41) 741319

Gobernación Provincial de Arauco

Andrés Bello N°215, Lebu

Phone (41) 511221

Fax (41) 511222

IX REGION

Gobernación Provincial de Malleco

Lautaro N°226, Casilla 37, Angol

Phone: (45) 711762, (45) 711261;
(45) 711947

Fax: (45) 711932

Gobernación Provincial de Cautín

Manuel Bulnes 590, entrepiso,

Temuco.
Phone: (45) 208105
Fax: (45) 208100

X REGION

Gobernación Provincial de Valdivia
B. O'Higgins N°543, Valdivia
Phone: (63) 261210
Fax: (63) 256811

Gobernación Provincial de Osorno
Av. Libertador B. O'Higgins s/n°,
Osorno
Phone: (64) 421872, (64) 422342
Fax: (64) 421873

**Gobernación Provincial de
Llanquihue**
San Martín 80, Puerto Montt
Phone: (65) 299090
Fax: (65) 257530

Gobernación Provincial de Chiloé
B. O'Higgins s/n, Castro
Phone: (65) 532121
Fax: (65) 632482

Gobernación Provincial de Palena
B. O'Higgins 254, Chaitén
Phone / fax: (65) 731281, (65) 731280

XI REGION

**Gobernación Provincial de
Coyhaique**
Errázuriz 375, Coyhaique
Phone: (67) 214430
Fax: (67) 214433

Gobernación Provincial de Aysén

Esmeralda 810, Aysén

Phone: (67) 336251

Fax (67) 336270

Gobernación Provincial de General Carrera

O'Higgins 192, Chile Chico

Phone: (67) 411259

Fax: (67) 411324

Gobernación Provincial de Capitán Prat

Esmeralda 199, Cochrane

Phone / fax: (67) 522198, (67) 522114

XII REGION

Gobernación Provincial de Última Esperanza

Eberhard 417, Puerto Natales

Phone / fax: (61) 411423, (61) 411954

Fax: (61) 411992, (61) 410061

Gobernación Provincial de Magallanes

Plaza Muñoz Gamero 1028, Punta Arenas

Phone / fax: (61) 222600, (61) 223403

Gobernación Provincial de Tierra del Fuego

Bernardo Phillipi s/n°, Porvenir

Phone / fax: (61) 580055

Gobernación Provincial de Antártida Chilena

Presidente Ibañez 110, Puerto Williams

Phone: (61) 621009

Fax: (61) 621026