

**Chile: Immigration as Response to the Care Crisis**  
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### **Abstract**

Industrialized countries are experiencing a care crisis or care deficit, fueled by a number of factors, such as the rise in women’s employment, increase in the life expectancy of population, and the privatization of care services. As a result, women from the Global South and Eastern Europe have found employment opportunities providing care and domestic work services in advanced industrialized countries. In spite of advanced industrialized countries’ preference for skilled migration, some are more receptive to accepting immigrant domestic workers. This paper will discuss Chile’s approach to accepting or recruiting immigrant care workers. First, it will be argued recent policy changes, coupled with the institutional legacy of Chile’s immigration law, show that the Chilean government is interested in encouraging the migration of domestic and care workers from neighboring countries. Second, an analysis of institutions and groups with an interest in the recruitment of immigrant domestic workers, government and bureaucracy, civil society, and employers, reveals different framings to the issue, a technical approach, a human rights-based approach, and finally a gendered approach.

## **I. Care crisis in the industrialized world**

Industrialized countries are experiencing a care crisis or care deficit, fueled by a number of factors such as the rise in women's employment, increase in the life expectancy of population, and the privatization of care services, combined with an emphasis on individual responsibility and individuality of choices. At the same time, governments increasingly fail to provide sufficient publicly funded childcare options or institutional services for the elderly and persons in need of constant care. The care crisis is also rooted in the fact that care activities, defined by Anderson (2000) as cleaning, cooking and caring, are not shared equally between men and women (Miranda 2011). As a result of these factors, women from the Global South and Eastern Europe have found employment opportunities providing care and domestic work services in advanced industrialized countries.

Scholars have noted there exists an international division of labour, in which women from advanced industrialized countries become more masculine, unwilling or incapable of doing care work, whereas immigrant women retain their traditional gender role by taking on jobs traditionally considered feminine (Hochschild 2003). The fact that women migrate to another country precisely to work as care providers leaves their own countries and families in a deficit of care. In order to address the deficit their departure creates, a care chain is created: as women leave to care for other people's families, they recruit other women, who in their turn may be paid, or not, to provide care for those left behind (Ehrenreich & Hoschhild 2002; Lan 2003; Parreñas 2012; Yeates 2012). Scholars argue that care provided at the bottom of the chain is characterized by the low economic value given to it, whereas care higher up the chain commands more economic retribution. In this sense, the families, particularly the children, of immigrant

care and domestic workers are the real subsidiaries of the cost of care provided by their mothers in advanced industrialized countries.

However, while care and domestic workers can be found all over the world<sup>1</sup>, this does not mean countries and governments are openly receptive to their arrival. There are various approaches to accepting immigrant domestic workers in receiving countries. While some are more permissive, for example providing temporary work visas for domestic workers, others are not prepared to treat care and domestic workers as guest workers and instead, accept them by disguising their stay as tourist visits, or using the well-known au-pair program, which is not considered an employment program by governments, but a cultural and educational exchange for young persons. One visible trend is that industrialized countries much prefer skilled migration, that is, immigrants who possess skills and education and can be easily inserted into key economic activities (Lahav 1998; Menz 2008). In this sense, the migration of domestic and care workers, who are considered low skilled immigrants, is not usually a priority for governments.

In this paper I will discuss Chile's approach to accepting or recruiting immigrant care workers. First I will discuss how recent policy changes, coupled with the institutional legacy of Chile's immigration law, show that the Chilean government is interested in encouraging the migration of domestic and care workers from neighboring countries. In addition, the paper will explore how the various groups which have a stake in the migration of care and domestic workers frame their preferences and interests in this policy area. These include the government and bureaucracy, civil society, and employers of immigrant domestic workers. First, I find that the way such groups frame the linkage of care and immigration, the issue is more technical in

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<sup>1</sup> See Hochschild & Ehrenreich 2002 for the migratory patterns of care and domestic workers.

nature than political so far. In addition, the analysis also reveals gendered assumptions about immigrant domestic workers, namely, that they are inherently good nurturers and carers.

Why is the study of policies in regards to immigrant care workers important? The most important theories explaining immigration in liberal states argue that the state is an arena where multiple interests compete, but groups with the most resources, usually big industries which benefit from open migration policies, control policy-making (Freeman, 2005, 2007; Hollifield; 1992; Joppke, 1998, 1999). Yet the import of domestic workers does not seem to follow a “big interests” logic: The main beneficiaries of this policy (i.e. families with children or individuals in need of constant care) are not an organized group with sizeable resources to lobby government. Thus, it is possible the government is trying to change the landscape of welfare and reconciliation policies by stealth, i.e., without the political and financial costs of directly expanding welfare programs. In addition, Chile is an interesting case in this regard because the government is trying to be transparent in terms of how it intends to approach immigration, and Bachelet’s administration is open about declaring Chile a country welcoming of immigrants, which needs to do more in order to better integrate newcomers into Chilean society. In contrast, the liberal approach, assuming that immigration policy takes a big interests logic, argues policy creation is mainly done under a veil of secrecy, so as not to upset the majority of the population who are far more likely to have an unfavourable view on immigrants. Furthermore, these policies allow the government to continue policies which allow individuals to obtain care through the market, i.e. consistent with a neoliberal approach. In other words, the government engages in social policy indirectly, without having to enact major changes to welfare services.

The paper is organized as follows. First, Chile’s political and economic background and how these relate to its care deficit will be discussed. Second, existing legislation and recent

policy approaches to immigration, and how they encourage the migration of care and domestic workers will be presented. Third, the relevant actors playing a role in shaping immigration policy, and particularly its effect on immigrant domestic workers, will be identified. Finally, the conclusion will summarize the main points as well as indicate following research stages.

## **II. Background**

In 1974, Augusto Pinochet became president of Chile after the armed forces overthrew then elected president Salvador Allende the year before. Pinochet ruled the country aided by a military junta until 1990; two years earlier, the majority of Chileans had decided, by way of a plebiscite, to hold presidential elections the following year. Even though Pinochet lost the plebiscite, his obtaining 44% of the votes showed he still had a large base of supporters. The armed forces still had considerable strength and also had the sympathy of important sectors of the population, such as those supporting the right and business sectors. In this context, the newly elected democratic opposition had to accept a number of conditions and operate within a system of institutional constraints put in place by Pinochet so as to ensure his continued influence in politics, such the existence of permanent appointed senators, the appointment of Supreme Court justices, and some military oversight, among others (Linz and Stepan 1996).

After the dictatorship period, Chile was ruled by a left and centre wing coalition of parties under the banner of Concertación until 2010, when Sebastian Piñera, candidate of the right-wing Alianza por Chile, became president. The governments of the Concertación had to operate in a political environment where fears of a leftist policies could mean the return of the armed forces to power. Therefore, in order to be able to sustain a viable political coalition, democratic governments in Chile after the dictatorship have had to work within the market-oriented economic policies which were adopted under Pinochet, including social policies which

emphasized privatization, decentralization of services, and means tested services (Castiglioni 2012). Both the Concertacion coalition and the Alianza coalition have compromised to preserve the existing market oriented economic policies of the country, respect for private property, and moderation and de-politization in terms of the policies of intervention and redistribution.

After the return to a democratic government, Chile has had an impressive economic profile, while at the same time, social inequality has remained a problem for governments. On the one hand, the country's economy has grown consistently; its GDP per capita more than doubled in the last 20 year and currently sits at US\$ 22,400, the highest of Latin American countries (OECD 2013). On the other hand, although inequality has fallen in Chile since 2000, the country still has a high level of income inequality even when compared to other countries in Latin America; during the 1990-2006 period, its Gini coefficient ranged from 0.56 to 0.53 (Larrañaga 2009, 7). Chile's economic performance, in addition to the political stability achieved during the Concertación and Alianza governments, make of Chile an ideal destination for immigrants from neighboring countries. In fact, its popularity goes now beyond the South American region, as recent increases in immigration from Spain show (Adriasola 2015; Cáceres 2014). However, the country also shows signs of a care deficit. Chileans far surpass the OECD average in terms of work hours (2,029 hours per year vs 1,765 hours); 15% of them work 50 hours or more per week, compared to only 9% across OECD countries. Chile also spends less on health care than its OECD counterparts; the government spends 7.5% of its GDP in healthcare, lower than the 9.4% average of OECD countries (OECD Better Life Index).

In addition, demographic changes which have increased the demand for carers also indicate a care deficit (Arriagada 2010). There have been decreases in the fertility rate (1.9 children per women as of 2003, down from 4.6 children per woman in 1950), which means there

are fewer people that can provide care. Also, single-parent homes have increased, (those primarily headed by women), who require additional help or support to raise children. Similarly, a pronounced sexual division of labour exists in Chilean society whereby women still continue to perform the majority of household duties, either alone or with some help from children or spouses, and in contrast, men normally do not help unless they participate helpers when everybody in the family is helping out (UNDP 2010, 73).

Another indicator of Chile's care crisis is women's participation in the labour force. Recent OECD statistics put this figure at 50%, still lower than the 74% employment rate for men. However, according to a government survey of 2009, we can see that once socioeconomic situation is taken into account, important patterns emerge. Only 33% of women with only basic education were employed outside the home, compared to 76% of women who held a university degree (Gobierno de Chile, 2009). Participation of low income women in the labour market has been a priority of the Chilean government, and a number of programs aimed at increasing the availability and affordability of childcare have been implemented. After 2006, the expansion of the care centers became a priority for president Bachelet, who launched the program *Chile Grows With You* (Staab and Gerhard 2011). This program aims to provide children from the most disadvantaged households with guaranteed access to care centres and kindergarten. However, programs and subsidies have only been available to families who fall under a certain income, as well as to single mothers who have an employment contract. Therefore, wealthier families, those who work in the informal sector, and those without employment contracts, are unable to obtain child care benefits.

These efforts, while surely beneficial for women and families with lower incomes, create a split system, in which middle and higher classes do not qualify for these services, but where

women are employed the most. The most important barrier that Chilean families face in terms of childcare is not just availability and quality of services, but flexibility. So families resort to a combinations of options in order to obtain childcare that is flexible for them, which may include formal, informal, paid, or unpaid services. According to a 2007 study (Acosta, Peticara and Ramos), only 5% of Chile's children 6 years and under attend formal care institutions. The vast majority of children under 6 years old, 72%, are primarily cared for by their mothers; next, 17% of this age group is cared for by a family member or neighbor without payment; and finally, the survey finds, 5% of children 6 years and under are cared by a nanny or domestic worker, which is the same as the percentage of children in a formal care institution. What we have is a situation in which informal care arrangements (unpaid, such care provided by a family member or neighbor, or paid provided by a nanny) are widespread in large due to the lack of enough formal state-subsidized spaces, the high costs of private spaces, and the enormous difficulty in reconciling work hours and school hours (Acosta et al 2007). Informal arrangements are less costly, more flexible, and they give mothers more control over how their child is being cared for. Informal care is a choice for parents because it adapts to their schedule (especially if someone is being paid, such as a nanny), is a personalized service, and allows mothers to continue being employed outside the home.

Similar to what we observe in Europe and North America, the market for care in Chile has also experienced an important immigration component. That is, immigrant care workers are quickly finding employment as nannies and domestic workers. What is most interesting, recent increases in Chile's immigration flows as well as changes in the demographic composition of migrants are largely a result of the arrival of immigrant care and domestic workers. The composition of Chile's migratory stocks have begun to change in the past 20 years. Whereas in



the 19<sup>th</sup> and first half of 20<sup>th</sup> century Europeans (Germans, British, Italians, Dutch, French and Spanish) made up the majority of migrants to Chile, in the last 20 years migration is predominantly driven by immigrants from neighboring countries, who settle primarily in the country's capital (Chiarello 2013). According to Chile's Department of Immigration (Vial Solar 2014, 342), in 2014 there were 415,540 immigrants in the country (or about 2.3% of its population); 53% of them were female. In addition, the countries which have contributed the most immigrants to Chile from 2010 to 2013 are Peru, Colombia, Bolivia, and Argentina, with 36.5%, 16.75%, 14.1%, and 5% of the residence permits issued, respectively. In regards

According to Acosta (2011), 71.5% of Peruvian women in Chile are employed as domestic workers. Of all the foreigners employed in this sector, Peruvians account for 80%. We should keep in mind Chile is not experiencing a complete replacement of national domestic workers by foreigners, as Peruvians are only the 3.6% of the women working in this sector. However, a reverse pattern emerges when we consider the modality of employment. Sixty per cent of workers under live-in contracts are Peruvians, while they represent only 18% of those with live-out arrangements.

### **III. Policies: legacies and progress**

Governments of the left-wing Concertación and the right-wing Alianza coalitions have tried to enact changes to Chile's immigration legislation and policy, however, their approach has been described as a non-systematic. Stefoni refers to this approach as "the politics of no politics" (2011, 82), because while it allows the government to deal with more pressing matters in regards to immigration and to show its commitment to issues such as human rights, it also lets the government continue avoiding a complete overhaul to its outdated immigration policy and institutions. Jensen (2008) also refers to this ad hoc approach, noting that through most of its

history, Chile has never had clear immigration policies, and the few that have been adopted are the result of particular decisions, and largely influenced by racist ideals. I argue this piecemeal approach also allows the government to maintain a supply of immigrant care and domestic workers, without driving them into irregularity, making their legal stay in Chile more accessible, and also without adopting a complete restriction of low skill workers.

### **1. Outdated immigration law**

Chile's current immigration law, commonly known as *Ley de Extranjería*, was established by decree of former president Pinochet in 1975, only two years after he had been brought to power thanks to the military coup. At the moment the law was created, its main goal was to ensure national security; foreigners were seen with suspicion, believed to be capable of introducing ideas against order that could create violence. Therefore, the law's main objective was to limit and control the access of foreigners to Chile, as well as to ensure the government maintained a tight control over the activities of those who were allowed in. For example, its article 2 establishes that "by supreme decree, the entry of certain aliens can be prohibited by reasons of national interest and security." (Decreto Ley 1094, 2011). Similarly, article 3 establishes that entry shall take place only at designated entry sites, to be determined by the President by way of decree; entry points may be closed temporarily or definitively, whenever circumstances are deemed necessarily, also by way of decree.

According to the regulations of the 1975 decree, non-Chileans who have no ties to a Chilean national may still remain in the country and undertake employment activities as long as they obtain an employment contract, and obtain a temporary residence visa. However, should the employment contract be terminated by either party, the employee has a grace period of 30 days in order to obtain a new employment contract or else he or she must leave the country. As

Stefoni (2010) points out, immigrants, domestic workers included, know about the employment contract requirement and negotiate it at the time they negotiate other employment conditions. However, they may then easily fall into an irregular situation. This is because if the employment contract is terminated (which can happen when the employee is let go, or if the employee resigns as a result of the work conditions changing substantially from what had been agreed upon), the worker must within a very short amount of time present a new contract and obtain a new visa. Another problem is that the law makes it very hard for immigrants under an employment contract to obtain permanent residence status. Permanent residence status can only be requested after a period of continuous 2-year employment with the same employer. As such, as Stefoni points out, this creates a situation whereby immigrants may have worked in Chile for more than two years, and still be unable to remain in the country indefinitely. The existence of an employment visa subject to contract has without a doubt been a vehicle for immigrant women employed in occupations considered low-skilled to obtain legal residence status in Chile, albeit temporary one. Recent figures confirm this. For example, in the period 2011-2013 Argentines, Chile's second largest immigrant group, mainly obtained visas through the MERCOSUR residency agreement; in contrast, Peruvians, who Chile does not issue MERCOSUR visas to, primarily obtained visas under the subject to employment contract provision. In the same period, we can see that of all persons who obtained a visa subject to employment contract (129,497), women represented just slightly above the 50% (Departamento de Extranjeria y Migracion). According to the Department, during 2013, 13,621 women, or 21% of all female applicants, who obtained a visa indicated employment as a domestic worker; in addition, the majority of those self-identified as domestic workers came predominantly from Peru, followed by Colombian, Bolivian and Dominican Republic (Stipicic 2014).

During the presidency of Sebastián Piñera (2010-2014), there was an attempt to modify Chile's outdated immigration law (the oldest of South American countries). In 2012, Piñera introduced a bill which it was hoped, would modernize the selection process of immigrants as well as the functioning of state institutions which are in charge of immigration. The proposal was however, amply criticized for adopting a more neoliberal approach to immigration, failing to take into consideration input from civil society, and it is still pending review in the Chamber of Deputies. Currently, the Bachelet government has announced its intention to introduce a new proposal in late 2015, although it is possible the government may not introduce a different proposal, but simply only suggests changes to the one already introduced by Piñera (Noriega 2014). A consultation process with various groups from civil society will take place in the first half of 2015.

## **2. Policies aimed at integrating immigrants into social and welfare services.**

Various initiatives taken by the Concertación governments have had as their objective to ensure immigrants, particularly the most vulnerable of them such as children and those who require medical attention, can obtain the social services they require. While these policies undoubtedly benefit all immigrants, for women, having access to social welfare is especially important. In October 2008, then president Bachelet issued the Instructivo Presidencial No. 9, a non-binding document aimed at guiding policy. The instructive is aimed at encouraging government officials and state institutions to consider in their programs the treaties and conventions signed by Chile in regards to human rights and immigrants, and also to incorporate into their programs the principles outlined in the Instructivo. The document notes the new composition of Chile's migratory flows, and makes reference to the fact this immigration has feminized, as more than 50% of immigrants are women. It also points out the majority of

migrants, who come from Andean countries, migrate to Chile for work reasons, and find employment in construction and domestic service areas. The role of the state in this approach is to assume an active role in regards to immigration, regulate it, quantify it, and ensure the collective integration of the immigrants. Chile is defined as “a welcoming country” which seeks a non-discriminatory reception of immigrants who decide to live in the country. Migrants are to be incorporated into the economic, social and political structure of the receiving country. The instructive bases immigration policy on the principles of freedom of residency and circulation, speech, conscience, and access to justice. In addition, it makes it clear that the social integration and protection of immigrants, including access to education for immigrant children, health, and employment, are crucial for the integration and equal treatment of immigrants (Instructivo Presidencial 9 2008).

In terms of access to education, the Ministry of Education has had as part of its regulatory framework to allow immigrant children to be registered at an educational institution in the country (Cano, Soffia and Martinez 2009). However, this policy was not consistently applied, and in 2005 the measure had to be reinforced with a new regulatory framework which stipulates that the children of immigrant parents are to be registered at and attend educational institutions the same as Chilean children, regardless of the migratory situation of their parents.

In terms of access to healthcare, according to Cano et al (2009), the Ministry of Health has taken measures to provide services for the most vulnerable of immigrants, namely, children, pregnant women, and asylum seekers. Since 2003, pregnant women who need access to health services can obtain a temporary residence permit, even if at the time they do not have the proper paperwork to be in the country. In addition, in 2008 the Minister of Health signed a resolution aimed at providing healthcare access to all children under 18 years of age, regardless of the

status of their parents. Measures such as these are very important for immigrant women. For example, Cano et al point out during 2004-2008, 1,208 pregnant women have received visas, and 80% of them have been Peruvian.

### **3. Regularizations**

Regularizations, or amnesties, are another way for government to eliminate the irregularity of migrants without making a major overhaul of its immigration legislation. In Chile, regularizations can be enacted by presidential decree. The first regularization after the return to democracy took place in 1998. Initially, it was expected nearly 40 thousand Peruvians would be able to obtain regular residence permits. However, many saw the measure with mistrust, and so a much smaller number, about 16,800, ended up obtaining their permits (Gomez, Fuentes & Olivares 2007). By December of 2007, nearly 20,000 people had requested their one year residence permit, three fourths of which were Peruvians; 51% of those permeants went to women, and three fourths of those who received a permit were settled in Chile's capital (Gomez 2007).

The second regularization was even more beneficial for Peruvians given that it covered those immigrants who had entered Chile through the Tacna-Arica Agreement, which allows residents of these two border cities to cross the border using only their national identity card. At the time (2007) 25% of Peruvians who left their country had Chile as their destination (Barria & Cea 2007). At the time, some estimates placed the number of Peruvians living in Chile at 100,000. And the number of those who were in the country illegally ranged from 20 to 30 thousand. Peruvians were largely concentrated in the domestic sector and construction. Government announced in Oct 2007 that 20,000 foreigners could benefit from the administrative measure, and that  $\frac{3}{4}$  of those would be Peruvian nationals (Galvez 2007). According to Chilean minister of

Foreign Affairs, the main goal of the amnesty was to ensure that people had the required documentation to undertake economic activities in the country, and to prevent employers from taking advantage of this situation by not paying minimum wages and other employment benefits. The measure was very welcome by the government of Peru, which encouraged its nationals in Chile to take advantage of the administrative measure and obtain proper work authorization. (Galvez 2007).

#### **4. New visa for unemployed immigrants**

Early in 2015 the government announced the creation of a new visa for immigrants who have lost their employment. Under the new visa program, immigrants will be able to apply for a one year residence permit, during which they will be able to undertake any legal economic activity, without being subject to obtaining an employment contract. Although the measure is not being called an amnesty or regularization, it is interesting to note that the measure is very similar to the previous two regularization processes, which first made immigrants who had lost their legal residency status, the possibility to apply first for a one year residence permit (during which they were eligible to work without the subject to a contract requirement), after which they could apply to obtain permanent residence status. Nevertheless, the measure will be extremely beneficial to immigrant care and domestic workers, who as discussed before, are prone to job rotation and thus, have a difficult time accumulating to years of employment under the same employer, not to mention the fact that they will no longer be tied to accepting unjust or illegal working conditions so that they may be able to obtain a contract and be eligible for a work visa.

Yet, how exactly do these changes reflect the government's desire to encourage the recruitment of care workers from abroad? At one level, it is simple: these changes benefit mostly those immigrants most likely to fall into a situation of irregularity, and those are the people that

enter the country as tourists (but really have the intention to find employment in Chile), or those who do obtain a residence visa subject to an employment contract but who later lose that status. For care and domestic workers, these changes are very important. As has been mentioned, domestic workers easily fall in a situation of irregularity: they can be let go by their employers without much recourse, or they can themselves opt to leave an employer based on unfair employment conditions, yet their chances of obtaining regular status after this are very low. We can contrast their situation with that of workers settling in Chile under MERCOSUR visas, which are not subject to employment contracts.

#### **IV. Institutions and interests in policy formulation**

Three groups can be identified as being present during the formulation process, namely, government and bureaucracy, civil society, and employers of immigrant care workers. There are important differences in terms of their organization, resources, and how much influence they can ultimately exert over the policy making process. This section will discuss how they frame the migration of care and domestic workers.

First is the government and bureaucracy, which present the issue of immigration as a technical problem, and attempts to find ways to depoliticize the issue. Not necessarily gender driven, but driven by the concern to avoid social problems down the road – people without access to health care, education, bad “citizens” not incorporated, a divided society. As has been previously mentioned, all governments after the return to democracy have to some extent adopted changes to the current policy. More clearly, the government of Sebastian Pinera as well as first and current governments of Michelle Bachelet have proposed the most drastic changes, the first one introducing an immigration law proposal (which at the moment sits in congress), and the second one, various measures aimed at integrating immigrants into Chilean society as



well as solving the issue of irregularity that many newcomers to Chile face. As previously mentioned, President Bachelet has clearly identified the need for immigrants to become members of Chilean society, and in order for them to do so, they and their families require full access to a welfare net.

The creation of the new visa shows how the government tries to depoliticize the issue. For example, Rodrigo Sandoval, head of the Immigration Department, has referred to this visa as helping to solve the loopholes in the current law which create conditions for irregularity of immigrants. He has claimed the measure will be beneficial for Chilean workers, because immigrant workers will have legal status in the country, and therefore, employers will no longer hire undocumented workers for lesser wages. The measure in this sense, is beneficial to all workers, because immigrants will no longer outbid national labour (La Tercera Feb 28 2015). The immigration is more of a social problem that cannot be solved by promoting restrictive policies; Sandoval has indicated the government's position on immigration; "If I put a lid on the border, I will create a situation of irregularity because those people are decided to come back and they will try to enter through another means" (Galvez 2014).

Under the government of Bachelet, a council for immigration policy has been struck. The government is also aware that the bureaucracy and the institutions in charge of providing services to immigrants have been surpassed by the demand; Chile's undersecretary of interior, has pointed out an important area is to modernize the services offered to immigrants (Urgente Revision 2014), so they can better access services and be in a regular situation. There are infrastructure problems; offices and spaces and personnel are not enough to serve the thousands of immigrants that require services on a daily basis (renewal of permits, changing status, requiring new visas, etc) (Galvez 2014); so the department is trying to operate and correct these

deficiencies, as well as train staff so they are sensitive and can better serve immigrant population (Galvez 2014) For 2015, Social Development minister announce the government had earmarked funds for a pilot project to run in the six neighborhoods in the capital city with the largest concentration of immigrants; funds will be used to provide services for women and children, such as access to healthcare, childcare and elementary education for children (Martinic, Ahumada & Cabello, 2014).

In general there has been a change of attitude in regards to how the government approaches immigration, particularly after the governments of the Concertación. Whereas before immigration was seen as something to control due to its potential to create violence and introduce revolutionary ideas, nowadays it is understood as a social problem which needs to be controlled, because the state is no longer in control of who enters to the country and who does not, but rather, migration obeys the economic context of countries involved and the process of globalization (Jensen, 2008). It is not uncommon for ministers and other government officials to refer to Chile as a welcoming country, asking Chileans to be accepting of immigrants, to avoid stereotypes, to treat immigrants with dignity and respect, and in general referring to immigrants positively (Sandoval & Ballesteros 2014).

The second relevant group is that civil society organizations that promote the rights of immigrants or study immigration processes. These include religious organizations, think tanks and research centers, non-government organizations, and organizations established by immigrants (Chiarello 2013, 191-192). Religious organizations such as the Chilean Catholic Migration Institute (or INCAMI for its acronym in Spanish) and the Scalabrini Foundation provide social services and programs for immigrants including assistance in finding employment, housing, shelter, and upgrading and skills courses. In general, these organizations have also been

active in promoting a dialogue between civil society and government in regards to immigration. For example, both INCAMI and Scalabrini Foundation organize a yearly conference where government officials and members of civil society meet to discuss immigration and produce concrete policy recommendations. In terms of research centers, the Sociology Department at Jesuit Alberto Hurtado University, as well as the Law Department at Diego Portales University also promote the public discussion on immigration topics by organizing conferences, seminars and workshops (Chiarello 2013). Organizations formed by immigrants themselves also have an important presence in Chile. However, according to Chiarello, the work of these organizations is not well linked/integrated to other civil society organizations working in immigration issues. In addition to national-based organizations created by immigrant groups long-established in Chile (for example Italians, Germans, Arabs, among others), with recent immigration trends new organizations have been formed, which focus more on promoting the rights of immigrants, fair working conditions, as well as sharing and disseminating information.

An important goal of these organizations is to make the Chilean state accountable to the various international treaties on human rights legislation which it has ratified.<sup>2</sup> The situation of refugees, and the protection of immigrants are important agenda topics for these organizations, as can be seen from the reports and documents produced (for example Vial Solar 2014, INCAMI 2014). Immigration in general for these organizations is perceived as a positive influence; but it is noted that Chilean society is not receptive and open to immigrants, causing them to live and work under conditions of discrimination. These organizations see themselves as having a role not just in providing services for immigrants, but being a bridge between newcomers and Chilean

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<sup>2</sup> See Chiarello (2013, 166) for a complete list.

society. They above all promote the notion that immigrants are subjects with rights, but who are also vulnerable given their status.

Next would be employers of immigrant domestic workers. Even though there are no specific organizations created by families or individuals who hire immigrant care workers to lobby the government, specialized agencies which recruit domestic workers point out some of the main issues families looking for care face. One important criteria for employers is stability and continuity of service, in other words, employers expect to find an employee who can work for them longer than just a couple of months (Nuñez 2013). Time flexibility is also an important criteria when opting for hiring immigrant women (Acosta 2013). Important life changes such as the arrival of a new child or an aging parent make families look for employees who can above all provide them with as much time as possible, something which national domestic workers are less willing to bargain. In addition, employers are aware of the difficulty in attracting and retaining high-quality care workers, which has led some parents to capitalize on this situation and create screening agencies and websites where employers can rate potential employees, provide references, and connect with potential employees (Rojas 2013).

In addition, qualitative studies have shown that employers display gendered attitudes towards immigrant women. The discourse prevalent among those hiring immigrant domestic workers reveals important contradictions. This double discourse simultaneously constructs Peruvians as high-quality domestic workers (with all the personality traits this entails) but at the same time treats them as uneducated and uncivilized individuals. On the one hand it is expected that workers conform to gendered ideals, such as being good looking, clean, decent and educated. On the other hand, it is expected they will not be as clean, civilized, or educated as their Chilean employers. It is also expected domestic workers to accept a subordinate status, and

not see themselves as participants in an economic transaction between equals. Employers increasingly prefer to hire immigrants as they perceive Chilean domestic workers no longer display their gender role, are more aware of their rights, and demand to be treated more as an equal in an economic exchange than as a servant. Peruvian women are perceived to be more nanny-like when compared to Chilean women. Employers complain Chilean nannies no longer enjoy being nannies, demand too many things, and in general do not seem to want to work. In contrast, Peruvian women are perceived to be more humble and subservient, ready to serve, show more deference towards the employer. Employers do not attribute these perceived characteristics to the effect that immigration has on employees, namely, that they have less options to find other jobs (even if they do have other qualifications their qualifications may not be taken seriously, less availability of work networks, less financial means, and simply plain discrimination, make the immigrant more dependent on that job), but rather, attribute them to things like differences between Chilean and the immigrants' culture (Stefoni 2002).

## **V. Conclusion**

This paper has discussed the link between a care deficit and the migration of women from neighboring countries to Chile. Next, it has argued their migration is encouraged by an outdated immigration law, as well as recent policies adopted by the governments of Michelle Bachelet. Finally, it has identified the groups which have a stake in the policy of recruiting immigrant care workers: government and bureaucracy, civil society, and lastly, employers. As has been discussed, each of these institutions and groups takes a different approach on the issue, namely, a technical, a human rights-based, and a gendered approach, respectively. Next stages of the research project shall be to find out how the interests and preferences of these three groups interact. It appears certain groups within civil society at least are capable of making their

interests known to government, and in fact work closely with it. However their doing so also encourages families and individuals to hire immigrant care and domestic workers, in other words, to continue resolving their particular care needs through a private care market. Therefore, it will be relevant to inquire if both government and civil society are aware and take into account the preferences of employers, which are based on a gendered approach to immigrant women. An important test will come during the second half of 2015, when the government introduces either changes to the immigration bill already in congress, or a completely new bill. Either way, it will be important to see if the government imposes restrictions on the migration and access to permanent residence for care workers, if it continues to provide them with same treatment, or if gives them special treatment to care workers, such as creating a separate immigration stream, or allowing shorter periods to obtain permanent residence. Restrictive policies could be highly unpopular among the middle class which relies on the care provided by immigrant women.

Chile's current immigration law, as well as changes enacted to policy, have created opportunities for women to migrate as domestic workers. This is important, as women represent over half of the world's migrants, and are largely found in service industries such as domestic and care work. It is important to continue to provide legal pathways for women in these professions who wish or who need to migrate, and who decide to settle in the receiving countries on a permanent basis, in other words, it is important that governments do not forget that domestic and carework are important sources of employment for immigrant women, and as such, these jobs should also provide pathways for regular and permanent migration. After all, receiving countries obtain an important benefit as domestic workers relieve the care crisis without needed to enact controversial and costly welfare reforms. However, policies should be careful of

sustaining an international division of labour, which could potentially limit the full integration of care workers into the receiving societies.

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