

Norms that regulate the departure of minors both Chilean and residents

Article No. 49, of the Law 16.618, states among others, who are those empowered to grant permits so that minors are allowed to leave the country, desire that who is authorizing must evidence either in a public or private deed authorized by a notary, they are: the parents, legal guardians, the father that recognized a child, the corresponding tribunal in a subsidiary way, a third party or parent that has visitation rights. Below are the following situations:

- If the legal guardianship of a minor has not been granted to either one of the parents, or to a third party, the minor will not be allowed to depart from the country, without the authorization from both parents. If the legal guardianship has been granted to either one of them, the minor will be allowed to leave the country, only with the authorization from the parent that was granted the legal guardianship.
- The departure from the country of a minor must be authorized by that parent that has legally recognized him or by the father and the mother, if they have both recognized him. If the legal guardianship of the minor has been granted to a judge by one of the parents or by a third party, it will only be mandatory their authorization.
- As sentenced by the Tribunal, the obligation allows visitations, will also be required from the mother or father that has visitation rights.
- The authorization must be submitted by a Public or Private deed authorized by a notary. This permit will not be necessary if the minor departs from the country with the person or people that must grant the authorization.
- Given the case that it is not possible to grant the authorization or that by no plausible motive the authorization is denied, it can also be granted by the Family court of the corresponding to the address of the minor.
- In all the other cases, the authorization will be required from the corresponding Family Court.

Likewise, at the departure of foreign minors, must:

- The foreigner under the age of 18 that enters the country as a tourist, with a written authorization from the mother of the father, legal guardian or corresponding judge, it is understood that he is empowered to leave the country by virtue of the same authorization.
- The foreigner under the age of 18 that enters the country as a tourist accompanied by his legal guardian, to leave the country without him needs a written authorization.
- If those that are to give the authorization for the minors to departures can not do so or do not want to grant it, this can be give by the corresponding Family court. Same procedure is applied regarding the minor that enter the country illegally.
- In the case of foreigners under the age of 18, residents of the country, what has been established in the law No. 16.618 previously mentioned will be the procedure.

All other cases that are not contemplated in this bulletin must be solved by the corresponding Family Court

Departure of a Minor from the Country

Implementation of the agreement for the approval of entry and departure of minors subscribed between the member states of Mercosur and associated governments.

Origin and Purpose of the Agreement

This convention was subscribed June 8, 2006 within the mainframe of the Ministers of Interior meeting of Mercosur and Associated states, an entity in which Chile participates as an associated state.

Its purpose is to establish a control procedure that allows a better protection, safeguard of either national or resident minors that travel within the states that are part and associates of Mercosur.

Likewise, the agreement is valid for the following countries:

- Argentina
- Bolivia
- Brazil
- Chile
- Colombia
- Ecuador
- Paraguay
- Peru
- Uruguay
- Venezuela

Therefore, when traveling with a minor, you must submit in the offices of International Police the following documents depending on either the case or situation:

Minor that travel accompanied by both parents

Passport or valid Identification Card, depending on the country of destiny

Birth certificate, or family certificate, and simple photocopy of the required document.

Minor that is traveling with only one of the parent:

Passport or valid Identification Card depending on the country of destiny

Birth certificate, or family certificate, and simple photocopies of the required document

Death certificate, given the case that one of the parents has deceased

Notarized authorization corresponding to the parent that is not traveling with the minor or the legal authorization of the corresponding Family Court (one original and three copies)

Minors that travel without being accompanied by their parents

Passport or valid Identification Card depending on the country of destiny
Birth certificate, or family certificate, and simple photocopies of the required document

Death certificate, given the case that one of the parents has deceased

Notarized authorization corresponding to both parent granting their consent for the departure of the minor (one original and three copies)

Authorization from the Family Court that corresponds, granting consent for the trip of the minor (one original and three photocopies)

Questions

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