Addressing the risk of statelessness in Chile: From strategic litigation to #Chilereconoce

By Delfina Lawson & Macarena Rodriguez

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Abstract
Following a flawed interpretation of nationality requirements in the Constitution, between 1995 and 2014 the State of Chile denied nationality to at least 4,000 children born in the country, based solely on their parents' irregular migratory status. As a result, at present many of these children remain at risk of statelessness. In 2015, the Immigration and Refugee Law Clinic of the Diego Portales University (UDP), the Immigration Law Clinic of the Alberto Hurtado University (UAH) School of Law, and the Jesuit Migrant Service (SJM) responded by forming a partnership designed to address their plight. After a successful litigation under the Supreme Court of Justice, in the year 2016, the National Institute on Human Rights, the United Nations High Commissioner for Refugees, the Department of Migration and the Civil Registry joined the above-mentioned organisations to fully address the situation of these children. As a result of this process, 100 children were recognized as Chilean nationals, and administrative changes were brought about so as to ensure the right to a nationality of all people born in the country. This brief describes this process, and some of the challenges that still remain in Chile for the complete eradication of statelessness.

[1] This brief is an adaptation of part of an article published in Diego Portales University Annual Public Law Yearbook (2016), "*3.000 niños esperando su nacionalidad. La necesidad de contar con remedios colectivos para resolver vulneraciones individuales de derechos*" by Delfina Lawson, Macarena Rodriguez, Victor Hugo Lagos and Claudio Fuentes.

1. Introduction

Article 10 of the Chilean Constitution grants Chilean nationality to all persons born within its territory, save for the children of foreign diplomats and of 'transient foreigners' (*hijos de extranjeros transeúntes*). However, starting in 1995, a flawed administrative interpretation of the meaning of 'transient foreigners' resulted in the denial of nationality to many thousands of locally born children whose birth certificates were marked "child of transient foreigner" (CTF) at the time of registration. These children consequently found themselves at risk of being stateless.

In 2015, the Immigration and Refugee Law Clinic at the Diego Portales University (UDP) Centre for Human Rights and the Immigration Law Clinic at the Alberto Hurtado University (UAH) School of Law joined efforts with the Jesuit Migrant Service (SJM) to address the plight facing these children. The object of this collaboration was to coordinate advocacy, research, community outreach and strategic litigation[1] initiatives so as to secure as broad a solution as possible, and to ensure the recognition of Chilean nationality to all the children whose nationality had been denied at birth. The project raised numerous legal, social, ethical, and financial issues. While some were foreseen from the onset, many more emerged in the process.

This article reviews the flaws in the interpretation of the right to a nationality by the Chilean authorities, the threats faced by the thousands of children at risk of statelessness, and the design and implementation of the strategic litigation approach that followed to address these challenges. Finally, the article describes the project that arose after the case that was litigated before the Supreme Court, which included not only the civil society organisations originally involved in the claim, but also the collaboration and support of the United Nations High Commissioner for Refugees (UNHCR), the National Institute on Human Rights, the Department of Migration and the Civil Registry.

2. The Right to a Nationality: Recognition, Violation, and Interpretation in Chilean and International Law[2]

The right to a nationality is a fundamental human right. Nationality legally links an individual to a nation-state in a connection that is reciprocal: Its nationals submit to the State's laws and authority, and are in turn entitled to its protection.[3] While it is within the rights of a sovereign state to set requirements for the acquisition of nationality, these powers are limited under international law, notably its human rights commitments.[4]

[1] Strategic litigation is often understood as "...litigation designed to reach beyond the immediate case and the individual client, that seek to change the law or how it is applied, in a way that will affect society as a whole. Public interest litigation persuades the judicial system to interpret the law and apply existing, favourable rules or laws that are otherwise underutilized or ignored". For the purpose of this article, public interest litigation or strategic litigation not only persuades the judicial system to interpret the law but also seek - through the court decisions- to address the wrongdoings of government and society and to help those who suffer from them. In other words, having an impact on policy, and State practice. Public Interest Law Initiative in Transitional Societies, Columbia University School of Law, 2001 p.81, *Pursuing The Public Interest. A Handbook for Legal Professionals and Activist.*

[2] Drawn from "Nacionalidad en la jurisprudencia de la Corte Suprema", Colecciones Jurídicas de la División de Estudios de la Corte Suprema, by the same authors, and from *Contribution to the Joint General Comment on the Human Rights of Children in the Context of International Migration* by, inter alia, the UAH Law Clinic, the UDP Center for Human Rights, and the Jesuit Migrant Service.

[3] Herdegen, Matthias. *Derecho internacional público*. Konrad Adenauer Stiftung – UNAM, 2005, p. 193.

[4] Brotóns, Antonio Remiro. *Derecho internacional* (Tirant Lo Blanch) 2007, p. 822: "…Some scholars have suggested, albeit without extensive support in government practice, that international human rights standards, by deeming nationality a fundamental human right, impose new limits on the ability of States to legislate on this matter".

The Inter-American Court of Human Rights (Inter-Am. Ct. H.R.), for example, has found as follows:

> It is generally accepted today that nationality is an inherent right of all human beings. Not only is nationality the basic requirement for the exercise of political rights, it also has an important bearing on the individual's legal capacity.
> Thus, despite the fact that it is traditionally accepted that the conferral and regulation of nationality are matters for each state to decide, contemporary developments indicate that international law does impose certain limits on the broad powers enjoyed by the states in that area, and that the manners in which states regulate matters bearing on nationality cannot today be deemed within their sole jurisdiction; those powers of the state are also circumscribed by their obligations to ensure the full protection of human rights. (…)
> The classic doctrinal position, which viewed nationality as an attribute granted by the state to its subjects, has gradually evolved to the point that nationality is today perceived as involving the jurisdiction of the state as well as human rights issues.[5]

The right to a nationality is enshrined in a range of international instruments,[6] notably the American Convention on Human Rights and the Convention on the Rights of the Child (CRC). The CRC guarantees and protects the right of all children to be registered immediately after birth; their right to a name, to acquire a nationality and, as far as possible, their right to know and be cared for by their parents.[7] It also requires States Parties to ensure these rights are implemented in accordance with national law and their obligations under the relevant international instruments, in particular where a child would otherwise be stateless.[8]

Article 20(2) of the American Convention states that every person has the right to acquire the nationality of the state in whose territory he was born, if he does not have the right to any other nationality. In the view of the Inter-American Court, "This principle must be interpreted in light of the obligation to ensure the exercise of the rights to all persons subject to the State's jurisdiction, established in Article 1(1) of the Convention. Hence, a State must be certain that a child born in its territory may truly acquire the nationality of another immediately after birth, if he does not acquire the nationality of the State in whose territory he was born.[9] To determine if such a right exists, a State must also weigh the factors that could preclude access.[10] Eventual nationality elsewhere —if the territorial State's obligation is not to apply— must be a material, immediate fact, not mere hypothesis.[11] Entitlement to a certain nationality —i.e., because the

[5] Inter-Am. Ct. H.R., Advisory Opinion OC-4/84 of 19 January 1984, *Proposed Amendments to the Naturalisation Provisions of the Political Constitution of Costa Rica*, paras. 32-33.

[6] Universal Declaration of Human Rights (Art. 15), International Covenant on Civil and Political Rights (Art. 24), International Convention on the Elimination of All Forms of Racial Discrimination (Art. 5), Convention on the Elimination of All Forms of Discrimination Against Women (Art. 9), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Art. 29), Convention on the Rights of Persons with Disabilities (Art. 18), and Convention on the Rights of the Child (Art. 7). In the Inter-American System, the American Convention on Human Rights (Art. 20) and the American Declaration of the Rights and Duties of Man (Art. XIX).

[7] CRC, Art. 7.1.

[8] CRC, Art. 7.2.

[9] Inter-Am. Ct. H.R. *Case of Expelled Dominicans and Haitians v. Dominican Republic*. Preliminary Objections, Merits, Reparations and Costs, judgment of August 28, 2014.

[10] *Id.*, para. 261.

[11] In response to the Dominican Republic's contention that claimants did not face statelessness under *jus sanguinis* provisions in the Haitian Constitution, and that it was thus exempted from granting them nationality under Art. 20(2), the Court noted: "…[E]xpert witness Julia Harrington… indicated that 'a theoretical nationality available in another State does not constitute citizenship of that State. Although it may be considered that a person possesses or can obtain another nationality owing to his ethnic or national background, it cannot be presumed that he has that nationality unless he possesses proof or recognition of this; in particular, the possibility of claiming another nationality

laws of the parents' country of birth follow the doctrine of *jus sanguinis*— does not suffice; a concrete, material opportunity to effectively acquire such a nationality is required.

As mentioned before, in Chile, nationality rights are enshrined in Art. 10 of the Constitution, which states that nationality shall extend to "(1) All persons born in Chile, except the children of foreign diplomats and transient foreigners […]." Through 1995, Chile's Ministry of the Interior considered that the situation of 'transient foreigners' was associated to a temporary residence in the country, and thus, to be deemed a Chilean national, a locally born child's parents needed at least a year's residence in Chile prior to his or her birth. In 1995 this constitutional interpretation was changed to include in the CTF class all children born in the territory, whose parents were in an irregular migratory status at the time of their birth, irrespective of the length or intent of their presence in the country.

The Ministry's directive containing the new guidelines cited "[T]he need to clarify what the Constitution means by "transient foreigners", pending adoption of new legislation. Based on the natural, obvious interpretation of its meaning, the concept is to be construed as encompassing all foreign visitors, such as tourists and crew members, as well as persons with an irregular migratory status in Chile".[12] Per the new guidelines, the Civil Registry issued a series of instructions to local registrars on the new requirements and procedures for recording the birth of children of 'transient foreigners', notably parents with an irregular migratory status in the country.[13][14]

Registration as CTF effectively denies the right to nationality and the rights dependent on nationality owed to all children born in Chile and consequently has limited the access to various other fundamental rights, including the right to education, to health, and principally, to preserve one's identity. As many are unable to obtain another nationality, such as their parents', should Chilean nationality be denied, they remain at risk of statelessness for years, some for life. Denial of nationality contingent/dependent on parental immigration status violates fundamental tenets of the human rights protection system, including non-discrimination, the best interest of the child, and the right to an identity[15]. In this regard, international treaty monitoring bodies have asserted on numerous occasions that human rights are universal in nature and that their exercise is to be guaranteed irrespective of nationality, immigration, or other status.[16] The 1995 nationality instructions clashed with the opinion of the Chilean Supreme Court, as articulated in numerous nationality claims filed in recent years. Furthermore, denial of nationality rights also precluded parental applications for legal residence based on family ties with a Chilean national, as allowed under the law.

3. Progress in Access to a Nationality Through 2015

does not, of itself, constitute nationality' … The Court understands that the observations of the expert witness are appropriate also for the examination of State obligations under Articles 1(1) and 20 of the American Convention." *Id.*, p. 105, note 344.

[12] Ministry of the Interior Memorandum No. 6241 of October 25, 1995.

[13] Circular DG No. 51/95 of October 26, 1996; Circular DG No. 05/96 of April 14, 1996; Circular DG No. 28/96 of July 23, 1996; Ordinario No. 735 of October 21, 1999; Circular DN No. 20/99 of October 22, 1999; Circular DN No.20/08 of October 1, 2008; and Circular DN No.18/09 of May 7, 2009.

[14] Research conducted during 2016 within #Chilereconoce project, conclude that at least 4000 people have been registered as CTF in Chile.

[15] Inter-Am. Ct. H.R. *Case of the Girls Yean and Bosico v. Dominican Republic*, judgment of September 8, 2005. Series C No. 130.

[16] *Id*.

The cause of children denied Chilean nationality and at risk of statelessness attracted the attention of the international community and local academic and civil society groups due to the negative consequences brought about by the denial of the right to a nationality. As a result, in the period from 2012 through 2014 the Immigration and Refugee Law Clinic at the UDP Centre for Human Rights and the Immigration Law Clinic at the UAH School of Law filed several nationality claims on their behalf with the Supreme Court.

International treaty monitoring bodies have addressed this specific issue in their observations. In 2013, the Committee on the Elimination of Racial Discrimination (CERD Committee) expressed its concern over this systematic practice and encouraged Chile to adopt legislation ensuring access to nationality for Chilean-born children of parents with an irregular migratory status.[17] In its Concluding Observations for 2015, the CRC Committee encouraged Chile to "Review and amend its legislation to ensure that all children born in the State Party who would otherwise be stateless can acquire Chilean nationality at birth, irrespective of their parents' migratory status."[18] The Committee further encouraged Chile to ratify the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961). The Committee on Migrant Workers (CMW)[19] and the Committee on the Elimination of Discrimination Against Women (CEDAW) issued similar recommendations.[20]

The Chilean Supreme Court has consistently ruled that the notion of transient foreigners must be interpreted "in its natural, obvious meaning", as required under Art. 20 of the Civil Code.[21] Most dictionaries define the meaning of *in-transit* as "not residing in a particular place". In this light, foreign tourists or crewmembers are clearly 'transient foreigners', but individuals living in a country and showing intent to remain should not be classed as such.[22] The nationality claims and the advocacy efforts of migrant rights groups eventually led the Interior Ministry's Department of Immigration and Foreign Residents to concede that the 1995 interpretation was incorrect.[23] The Department publicly agreed that the 'in-transit alien' category should be reserved for the children of persons actually in transit at the time of birth, notably foreign tourists and ship or flight crew members.

On August 14, 2014, the Department issued Memorandum No. 27601 noting that "… [A]s an exception to the constitutional doctrine of *jus soli*, the principle in question should be interpreted narrowly. As such, the 'transient foreigners' class will not be deemed to include cases not falling strictly within the above framework, including parental immigration status (…)"[24]. While the new interpretation was a step in the right direction, it did not repeal the 1995 directive, resolve the underlying CTF issue, or make reparations for violating the rights of many thousand improperly registered children, some of whom were now of legal age. All remained branded as CTF.

[17] *CERD Committee*. Concluding Observations, Chile. 2013 CERD/C/CHL/CO/19-21, para. 18.
[18] *CRC Committee*. Concluding Observations, Chile. 2015, CRC/C/CHL/CO/4-5, paras. 33(a)(b).
[19] Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Concluding Observations, Chile. 2011, CMW/C/CHL/CO/1, para. 33.
[20] Committee on the Elimination of Discrimination Against Women, Concluding Observations, Chile. 2012, CEDAW/C/CHL/CO/5-6, paras. 27(a)(b).
[21] "Terms in the law shall be interpreted to have the natural and obvious meaning given in common usage. When expressly defined otherwise, they shall be interpreted accordingly."
[22] Supreme Court Cases No. 12551/2013, judgment of March 7, 2013; No. 10897/2013, judgment of January 14, 2014; No. 9422/2013, judgment of January 6, 2014; No. 5482/2013, judgment of November 26, 2011; No. 4108/2013, judgment of September 16, 2013; No. 300/2013, judgment of April 29, 2013 and No. 9168/2012, judgment of March 11, 2013.
[23] Department of Migration, Memorandum No. 27601, August 14, 2014.
[24] *Id.*

A few of the affected were able to obtain the recognition of their Chilean nationality through claims filed under article 12 of the Constitution, which provides this remedy for anyone denied or deprived of nationality by administrative acts or resolutions. Yet, financial hardship, geographical distance, lack of access to legal counsel and unfamiliarity with the consequences of CITA registration kept court actions to a minimum. From January 2008 to July 2013, only 13 such claims were adjudicated[25]. Others obtained nationality through administrative channels, but as with nationality claims, lack of means, scant information and an inability to obtain supporting documents kept many from using this mechanism.

4. The Legal Route: Nationality Claims as a Collective Remedy for Individual Rights Violations

As noted, the UAH Immigration Law Clinic, the UDP Immigration and Refugee Law Clinic and the Jesuit Migrant Service joined forces to address the plight of CTF wrongly denied nationality at birth. While both law clinics had successfully argued nationality claims in the past, this time the volume and massive nature of the violations called for a broader, more comprehensive strategy that demanded extensive prior fieldwork with affected communities.

Per the report obtained from the Civil Registry through an access to information request at the start of the project, in October 2014, 2,843 people remained registered as CTF in Chile. According to the same source, almost half of them (1,340) lived in the northern regions of Tarapacá and Arica-Parinacota. A sizable share lived in the Azapa Valley and rural Tarapacá. This being the case, and with support from the local Jesuit Migrant Service, local residents, and public school staff, in the second half of 2015 members of the three above mentioned organisations spent two weeks traveling the Azapa Valley and the towns of Huara, Pozo Almonte, Pica and Colchane in the backcountry of Tarapacá.

At the time the decision to travel was made, the organisations did not expect to be able to locate more than 50 CTF-registered children. Yet, by the time the two weeks of fieldwork with affected communities drew to a close, a total of 167 cases had been documented. The process was anything but straightforward. Door-to-door searches had to be conducted in Tarapacá, as most home addresses on record with the Civil Registry dated back to the time of first registration. Another major barrier soon became evident. For reasons that range from overcrowding, poor sanitation and overpopulation to seeking work elsewhere, safety issues, and family reunification, moving around was a key trait of the migrant population.

With many home addresses dating back years, locating some children became especially challenging. This prompted the team to enlist the assistance of local school staff. The resulting strategic partnerships were key, as schoolteachers and administrators were well acquainted with the plight of children denied nationality and played a key role in contacting and coordinating with parents. As birth certificates are required for enrolment, schools had them on file. Indeed, one of the first tasks was to pore over thousands of certificates that helped identify the vast majority of cases in the area. Meetings with affected parents quickly revealed that they were largely unaware of the August 2014 reinterpretation of nationality acquisition requirements and of their right to request that birth records be amended accordingly. The research team thus apprised them of their right to institute proceedings to secure recognition of their children's nationality. The vast majority of those interviewed in the field —parents of children registered as CTF and young adults still unable to obtain the recognition of their

[25] Rodriguez, Macarena, *Nacionalidad en la jurisprudencia de la Corte Suprema*, Colecciones Jurídicas de la División de Estudios de la Corte Suprema

nationality— defined themselves as members of indigenous communities (78% Aymara, 3% Quechua).

While some children were entitled to their parents' nationality, poverty and the long distances involved had made it impossible for these families to register them at the nearest consulate, let alone travel back to their countries of origin to do so. Most parents contacted on the ground lived in poverty, and their irregular migratory status forced most of them to work precarious jobs. In addition, lacking nationality, their children endured discrimination and significant rights violations that impacted them negatively. The team heard cases of denial of educational benefits and even care at public health facilities, in one case resulting in a six-year-old boy losing sight in one eye.

The main commitment with the individuals interviewed as part of this project was to pursue every available option to obtain recognition of their or their children's right to Chilean nationality. These came down to two: Apply through administrative channels, or file a constitutional nationality claim with the Supreme Court. Having determined that the administrative route was cumbersome and long-drawn-out —in some cases taking over a year— and taking into consideration the additional goal of seeking redress for all affected by this massive violation of rights, the legal clinic team opted to go to Court.

While there was no previous history of collective nationality claims, the Chilean Supreme Court had ruled time and again against an exclusionary interpretation of the *jus soli* nationality rights of locally-born children of undocumented parents. These factors led the organisations involved to conclude that the best bet was to file a nationality claim on behalf of all persons identified within the project, plus everyone else whose nationality was denied per the information and figures provided by the Civil Registry. Prior to filing, the organisations made their case to major media outlets in order to maximise public impact.[26] It was the first such action in Chilean history and the sheer number of cases involved helped garner significant media attention, which was welcomed as a valuable tool in an eventual negotiation with the State on the confirmation of Chilean citizenship for all CTF-registered children.

5. The Supreme Court Stage

After weeks of work in both Santiago and northern Chile, on November 10, 2015 a collective nationality claim was filed with the Supreme Court. Prior to this, a last major hurdle to be surmounted involved obtaining power of attorney from the claimants, a requisite for legal representation, which the law requires to be witnessed by a notary public or court clerk. This requirement, which in actual practice limits access to justice, was met courtesy of a sympathetic notary public based in Arica who agreed to travel through the Azapa Valley to witness these documents. Unfortunately, many of these rural indigenous parents lacked Chilean identity cards or a foreign passport. As granting power of attorney requires proof of identity, in these cases they could not be issued. Although not exactly what the law requires, letters of authorisation were substituted. Obtaining and printing out 167 birth certificates from the Civil Registry web site, drafting the appeal, and recounting all 167 personal stories, inter alia, also demanded significant effort. Here, the strong support and commitment of all partners, especially of law clinic students, proved invaluable.

[26] *El Mercurio*, Niños invisibles, November 11, 2015, page A2; *La Tercera,* "Recurren a la Corte para nacionalizar a 161 hijos de migrantes", November 11, 2015, page 25; *Revista Viernes,* 77: "Niños sin bandera", November 27, 2015, page 12; *Las Últimas Noticias*, "3.500 hijos de inmigrantes recibirán nacionalidad chilena", December 18, 2015, page 16.

The first government agency to respond was the Ministry of Foreign Affairs. In a supportive opinion, it cited international human rights standards, Supreme Court decisions on nationality claims, and a 2005 Inter-American Court judgment in the *Case of the Girls Yean and Bosico v. Dominican Republic*. Its brief concluded: "Nationality is an essential human right and an attribute of the human personality, and no one can be arbitrarily deprived of it. It is therefore our opinion that the Civil Registry and other concerned agencies should bring their interpretation of the statutes and their practices with regard to Chilean-born children of transient foreigners into line with the human rights instruments Chile has signed and the jurisprudence of both the Inter-American Court of Human Rights and the Supreme Court of Chile".[27] On November 24, the Civil Registry Director replied that "[C]onsidering that all claimants on whose behalf the nationality claim was filed have expressed their wish to be recognised as Chilean nationals, the Civil Registry sees no need to issue individual service orders for each", and ordered instead that all 167 birth records be amended accordingly forthwith.[28]

While a key goal had been accomplished, the request to extend the effects of the decision to all affected was not addressed. As such, once claimant records were amended, the plaintiffs filed an additional claim arguing that denial of nationality and the resulting infringement of the best interest of children had been systematic and widespread for decades, giving rise to a state obligation to make reparations by means of a comprehensive remedy that accounted for the plight of all affected. As the issue had not been resolved by previous court decisions or in cases settled through administrative channels, a collective solution was imperative. The Supreme Court was specifically asked to act as conciliator and set up a forum for dialogue and collaboration among the concerned parties with a view to determining a method for the State to fulfil this request. The Court was further asked to help monitor execution and implementation of any resulting arrangements.

With the assent of the full court, Chief Justice Sergio Muñoz summoned the parties to a mediation hearing on December 16, 2015. At the hearing it was determined that the 167 claimants had indeed had the CTF annotation struck from the record and been recognised as Chilean nationals. This made the decision final and had a preclusion effect on the issues brought up in the claim.[29] At this point the Court noted that it had not addressed the additional request advanced in the claim, as it felt it was not competent to rule on third parties. In addition, a ruling applying to unidentified individuals might be deemed to constitute *ultra petita* and run counter to procedural consistency principles. At the hearing, State representatives stated their willingness to identify all cases and amend their records, and agreed to provide a list of all affected individuals at a new hearing. On January 16, 2016 the Civil Registry Director reported that the total number of individuals that were still registered as CTF stood at 2,503, with reasonably current home addresses available for only 724. On this last point, he indicated that the Civil Registry would conduct a media and online campaign to bring the procedure for requesting citizenship to the attention of affected persons. This second hearing brought the conciliation process to a halt.

6. Moving forward: the implementation of #Chilereconoce"[30]

[27] Public Memorandum 013160, Legal Affairs Directorate, Ministry of Foreign Affairs, in reference to Supreme Court Case No. 24089/2015 (nationality claim).
[28] Civil Registry, Service Order No. 1: "Eliminación de anotación de hijo de extranjeros transeúntes consignada en una partida de nacimiento", in reference to Supreme Court Case No. 24089/2015 (nationality claim).
[29] Minutes of conciliation hearing chaired by Chief Justice Sergio Muñoz on December 16, 2015.
[30] "Chile reckons"

Although the case before the Supreme Court represented significant progress, there were still many children that remained registered as CTF. The organisations involved in the strategic litigation knew that it was important to involve the State so as to move forward. They were also aware of the positive political will to continue working on this topic. Therefore, during the second semester of the year 2016, UDP, UAH, SJM with the National Institute on Human Rights and the United Nations High Commissioner for Refugees (UNHCR) approached the Department on Migration of the Ministry of Interior and the Civil Registry so as to conduct a joint collaborative project to build up on the achievements obtained during the previous years, and enable the recognition of Chilean nationality to all those children and adults that still remained registered as CTF. This project included an in-depth analysis of the administrative procedure in place for the confirmation of nationality; the systematisation of all the information available on the CTF and the implementation of activities for the confirmation of the Chilean nationality of those children whose nationality had been denied at birth.

As in the year 2015, during the implementation of this project, a team travelled to the north of the country. In this case, to the regions of Arica y Parinacota and Tarapacá. Contacting the people was the hardest part of this project, since many of the contact details were wrong, or the telephone numbers no longer available. So, once again, the role of the local communities, in particular, grass roots organisations and schools was essential.

As a result of the activities carried out during the implementation of #Chilereconoce, the Chilean nationality of 100 children was confirmed through a simplified procedure. After analysing all the data available, the team of researchers concluded that as of the year 1995, 4009 people had been registered as CTF. Until September 2016, 1722 people had been able to confirm their Chilean nationality and correct their birth registration (most of them, after the change in the interpretative criteria in 2014), and the rest still remain registered as CTF. The number of them that still reside in Chile is uncertain; many of them may have left the country, and some of them may have died.

#Chilereconoce is the first initiative of its type both in the country, and in the region. It is an example of the positive interaction between civil society organisations, the academia, international organisations, and the State, so as to guarantee the right to a nationality. The results and the experience was so positive, that during the year 2017, the government has committed itself to continue working on this topic, and to improve the mechanism in place for the recognition of the Chilean nationality in those cases in which it has been unlawfully denied.

7. Conclusion

This case exposed multiple violations of a range of fundamental rights —to a nationality, access to justice, and access to social rights— as well as the State's failure to align its standards and the actions of its officials with the best interest of the child. Examination of the applicable international standards and the Chilean Supreme Court's own rulings on nationality claims reveals that local regulations on nationality acquisition, not to mention dissemination and implementation of the revised 2014 guidelines, remain below par. After the strategic litigation initiative carried out, the State did make reparations to the 167 children registered by the organisations that had been denied their nationality at birth due to their parent´s irregular migratory status.

As a result of the litigation, and after many conversations between all the actors involved the Chilean government together with UNHCR and the civil society organisations that participated in the first stage of this project, decided to move forward on what had been attained the year

before through the implementation of the #Chilereconoce project. Involving the government was the only effective way of giving the project sustainability, and of reaching an important amount of children. In this regard, the State had a duty to step in to both put an official end to the CTF registration practice and make effective reparations to those who remain in nationality limbo as a result.

The results of #Chilereconoce went above everybody's expectations. Nevertheless, there are still many challenges to be able to say that Chile has eradicated statelessness: many children still remain registered as CTF and the State has still not acceded the 1954 Convention relating to the Status of Stateless Persons, or the 1961 Convention on the Reduction of Statelessness. #Chilereconoce showed how different institutions (State, NGOs, academia, and International Organisations) can join efforts and strengthen each other's work, and in the end, produce a greater impact, in this case, to secure the right to a nationality and to contribute to the reduction of statelessness at a global level. We hope that the second phase of the project can continue paving this road.