



Name of Country and Jurisdiction:

Chile

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Chile, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Chile for an authority to grant a divorce/dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage	Chile	Civil Code tit. IV. Law No. 19.947.	No
Civil union	Chile	Law No. 20.830.	Yes



2. What are the requirements to be able to enter into the above relationships?

- (i) Geographic requirements:



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	The law is silent on residency requirements for civil unions.

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	<p>A civil union is a contract entered into by two parties who share a home.</p> <p>To enter into a civil union, the parties must:</p> <ul style="list-style-type: none"> • Be at least 18 years of age; • Not be ascendants or descendants connected by blood or affinity; • Not be currently married or in a civil union with another person; • Have the right to administer property; and • Freely consent to enter into the union. <p>The civil union must be entered into before a civil officer, either at the Civil Registry and Identification Service or a place selected by the parties, provided that it is within the jurisdictional territory. The document must be signed by the civil officer.</p>



3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).



(a)–(c)	Not applicable; same-sex marriage is not available in Chile.
---------	--



4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	Both parties must state in writing, orally, or in sign language that they are not married and have no other civil union agreement in force.



Q

5. When a couple comes to Chile, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Marriages between same-sex couples that were entered into abroad are not valid as marriages in Chile, but the parties may enroll their marriages as civil unions, provided that they meet the requirements of Chilean law.
Civil union	<ul style="list-style-type: none"> Civil unions validly concluded abroad are recognized in Chile, provided that they comply with the provisions of Chilean law (e.g., those pertaining to age and consent). The agreement signed abroad must be listed in a special register of civil union agreements. Foreign civil unions that violate certain Chilean civil union requirements (e.g., those pertaining to age and consanguinity) may be annulled.

Q

6. How can each form of relationship be dissolved? What is the residency requirement or other link to Chile for an authority to grant a divorce/dissolution?

A

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Civil union	<ul style="list-style-type: none"> A civil union may be terminated by the mutual agreement of both parties, recorded in an official certificate by a Civil Registry official. A civil union may also be terminated unilaterally by one party, also by recording an official certificate with a Civil Registry official. In such a case, the party not seeking termination must receive notice from—and be allowed to appear before—a court with jurisdiction over family matters. Failure to notify the other party does not affect the termination of the civil union, but the party who failed to give notice of the termination may be liable for damages arising from the lack of notice. The law also provides for judicial nullification of the civil union in limited circumstances. If the parties to a civil union marry each other, the civil union terminates. There is no residency requirement to terminate a civil union.

Sources:

Primary

- Civil Code tit. IV, available at <http://www.leychile.cl/Navegar?idNorma=172986> (marriage law).
- Law No. 19.947, available at <http://www.leychile.cl/Navegar?idNorma=225128> (marriage law).
- Law No. 20.830, available at <http://www.leychile.cl/Navegar?idNorma=1075210> (civil union law).
- Law No. 19.620, available at <http://www.leychile.cl/Navegar?idNorma=140084> (adoption law).

continued on next page



- Law No. 19.968, available at <http://www.leychile.cl/Navegar?idNorma=229557> (family courts).
- Decree No. 763 of 2009, available at <http://www.leychile.cl/Navegar?idNorma=1002564> (approval of law creating family courts).

Secondary

- Biblioteca del Congreso Nacional de Chile/BCN, *Acuerdo de Unión Civil*, <http://www.bcn.cl/leyfacil/recurso/acuerdo-de-union-civil>.
- *Proponen regular actuaciones del Acuerdo de Unión Civil sujetas a Impuestos*, microjuris.com (Nov. 5, 2015), <http://aldiachile.microjuris.com/2015/11/05/proponen-regular-actuaciones-del-acuerdo-de-union-civil-sujetas-a-impuestos> (reporting that although Chile began recognizing civil unions in October 2015, the tax laws have not yet been updated to address this new relationship status).
- Chile Ministry of Justice, *Una Pareja que Haya Celebrado un Acuerdo de Unión Civil, ¿Puede Adoptar un Hijo?*, Civil and Identification Registry, https://www.registrocivil.cl/PortalOI/html/faq/Cod_Area_16/Cod_Tema_16_02/pregunta_1602_07.html (explaining that it is “not possible” for couples in civil unions to adopt children).