

## Migration Policies in Mexico 2017-2019

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Veröffentlichungsversion / Published Version

Forschungsbericht / research report

**Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:**

GIGA German Institute of Global and Area Studies

### Empfohlene Zitierung / Suggested Citation:

Pedroza, L., Palop-García, P., & Chang, S. Y. (2022). *Migration Policies in Mexico 2017-2019*. (IMISEM Case Report). Hamburg: German Institute for Global and Area Studies (GIGA) - Leibniz-Institut für Globale und Regionale Studien.

<https://doi.org/10.57671/imisem-22023>

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# IMISEM

EVERY IMMIGRANT IS AN EMIGRANT  
How Migration Policies Shape  
the Paths to Integration

IMISEM CASE REPORT  
Migration Policies in

## Mexico


2017-2019

Coordinated by:


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Pau Palop-García  
So Young Chang

January 2022

# G I G A

German  Institute for Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien

## Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: [www.imisem.info](http://www.imisem.info) as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

### How to cite this report:

Pedroza, Luicy; Pau Palop-García, and So Young Chang (2022), *Migration Policies in Mexico 2017-2019*, IMISEM Case Report, German Institute for Global and Area Studies (GIGA), January, <https://doi.org/10.57671/imisem-22023>, (access date).

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## **About IMISEM**

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” \* two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

## **The IMISEM case sample**

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

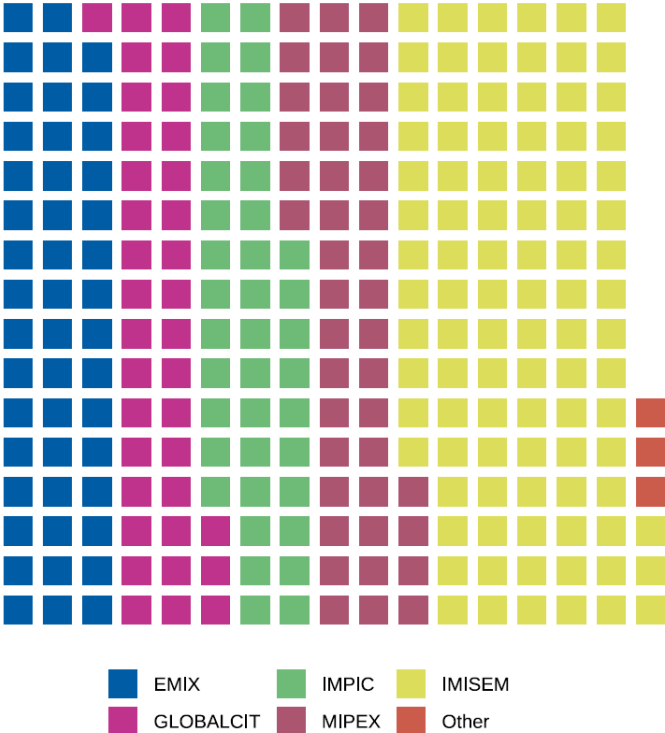
## **About the IMISEM Questionnaire**

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

## Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

**Answer:** this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

**Code:** this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

**Explanation:** this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

**Sources:** this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

## Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[ ]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

## **Varieties of Standard English**

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

## **Contact**

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: [lpedroza@colmex.mx](mailto:lpedroza@colmex.mx) or find us through our ORCID numbers:

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# 1. Emigration policies

---

## 1.1. General

**EMIGRATION\_1: The attempt to leave the country is punishable by law.**

Answer: No

Code: 1

Explanation: Freedom of movement is protected by the Constitution. There could be exceptions in secondary regulations, for example in migration laws, but at the moment no such regulations on free transit or movement exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2012). / Ley de Migración [Migration Law]. 2011.

**EMIGRATION\_2: Exit fees.**

**Prospective emigrants need to pay a fee before emigrating.**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**Amount of the fee in country of origin currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the fee in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Prospective emigrants need to make a deposit before emigrating:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**Amount of the deposit in the currency of the country of origin:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the deposit in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_3: Citizens can only stay abroad for a given maximum of days.**

**Citizens can only stay abroad for a given maximum of days**

Answer: No

Code: 1

Explanation: No provisions regarding a maximum stay abroad in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**Maximum number of days that citizens can stay abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 1.2. Documentation

### 1.2.1. Passport

#### **EMIGRATION\_4: Cost of ordinary passport.**

**Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 1265

Code: 1265

Explanation: From 1,265 MXN (ca. 66.5 USD -Exchange rate on 29.04.2019) for 3 years, to 2,670MXN (ca. 140.47 USD) for 10 years. Persons with disabilities, older than 60 years of age and temporary agricultural workers in the Mexico-Canada agreement pay half these prices.

Sources: Gobierno de México. "Pasaporte ordinario para personas mayores de edad [Ordinary Passport for Persons of Legal Age]". Access date not available.  
<http://www.gob.mx/tramites/ficha/pasaporte-ordinario-para-personas-mayores-de-edad/SRE112>.

**Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 66.5

Code: 66.5

Explanation: From 1,265 MXN (ca. 66.5 USD -Exchange rate on 29.04.2019) for 3 years, to 2,670MXN (ca. 140.47 USD) for 10 years. Persons with disabilities, older than 60 years of age and temporary agricultural workers in the Mexico-Canada agreement pay half these prices.

Sources: Gobierno de México. "Pasaporte ordinario para personas mayores de edad [Ordinary Passport for Persons of Legal Age]". Access date not available.  
<http://www.gob.mx/tramites/ficha/pasaporte-ordinario-para-personas-mayores-de-edad/SRE112>.

#### **EMIGRATION\_5: Maximum length of procedure to process passport.**

**Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):**

Answer: Yes

Code: 1

Explanation: Six weeks.

Sources: Secretaria de Relaciones Exteriores. "Pasaportes [Passports]". Access date not available. <https://embamex.sre.gob.mx/belgica/index.php/es/sercons/pasaportes>.

**Maximum length of procedure to process passport (in days):**

Answer: 42

Code: 42

Explanation: Six weeks.

Sources: Secretaria de Relaciones Exteriores. 2018. "Pasaportes [Passports]." Página Web de La Embajada de México Ante La Unión Europea, El Reino de Bélgica y El Gran Ducado de Luxemburgo. 2018. <https://embamex.sre.gob.mx/belgica/index.php/es/sercons/pasaportes>.

**Maximum length of procedure to process passport (by categories):**

Answer: From 0 to 2 months

Code: 1

Explanation: Six weeks.

Sources: Secretaria de Relaciones Exteriores. "Pasaportes [Passports]". Access date not available. <https://embamex.sre.gob.mx/belgica/index.php/es/sercons/pasaportes>.

**EMIGRATION\_6. Renewal of passport from abroad is possible:**

Answer: Yes

Code: 1

Explanation: Renewal of a passport is possible in any of the 148 consular representations of Mexico abroad with a previous appointment (which is made in person, online or per telephone), but slightly more expensive than in Mexico: depending on its validity, from 74 USD for 3 years to 136 USD for 10 years. The required documents are: a filled-out request form for this purpose (OP-5), Birth certificate in original, issued by a Civil Registry office in Mexico or a Mexican consulate, and the Voter ID Card issued by the National Electoral Institute (INE).

Sources: Gobierno de México. "Pasaporte ordinario para personas mayores de edad [Ordinary Passport for Persons of Legal Age]". Access date not available. <http://www.gob.mx/tramites/ficha/pasaporte-ordinario-para-personas-mayores-de-edad/SRE112>.

## 1.2.2. Other requirements

**EMIGRATION\_7. Local police certificate is necessary to emigrate:**

Answer: No

Code: 1

Explanation: Passport and filling out the form FEM suffices for adults.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012.

**EMIGRATION\_8. Superior/employer's permission is necessary to emigrate:**

Answer: No

Code: 1

Explanation: Passport and filling out the form FEM suffices for adults.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012.

**EMIGRATION\_9. Proof of income is necessary to emigrate:**

Answer: No

Code: 1

Explanation: Passport and filling out the form FEM suffices for adults.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012.

**EMIGRATION\_10. Registration abroad is mandatory.**

Answer: No

Code: 1

Explanation: The only registry system; SIRME, is voluntary and mostly for the purpose of protection in cases of emergency abroad.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. / Secretaría de Relaciones Exteriores. "Términos y condiciones del SIRME. Sistema de registro de los mexicanos en el exterior [SIRME Terms and Conditions. Registration System for Mexicans Abroad]". Access date not available. <https://sirme.sre.gob.mx/terminos.php>.

### **1.3. Quotas and restrictions**

**EMIGRATION\_11. Quotas to emigrate based on ethnicity.**

**Quotas to emigrate based on ethnicity exist in the country:**



Answer: No

Code: 1

Explanation: No provision for emigration quotas in the Migration Law.

Sources: Ley de Migración [Migration Law]. 2011.

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_12: Quotas to emigrate based on income.**

**Quotas to emigrate based on income exist in the country:**

Answer: No

Code: 1

Explanation: No provision for emigration quotas in the Migration Law.

Sources: Ley de Migración [Migration Law]. 2011.

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_13. Those who are liable for military conscription are allowed to emigrate:**

Answer: No

Code: 0

Explanation: No provision for emigration quotas in the Migration Law.

Sources: Ley de Migración [Migration Law]. 2011.

**EMIGRATION\_14: Banned countries for emigration.**

**There are countries that are banned as destination for emigrants:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**List of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_15. Higher education graduates must pay an education “tax” (or compensation) to be able to emigrate:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**EMIGRATION\_16. Recipients of state scholarship are banned from emigrating:**

Answer: Yes

Code: 0

Explanation: The Rules for the Scholarship recipients of CONACYT (“Reglamento...”), the National Council for Science and Technology, to study graduate studies abroad, stipulates that recipients must come back to Mexico for at least 6 months, work there in institutes, public or private agencies in the country, or else return the payments made by CONACYT for the scholarship.

Sources: Reglamento de becas del programa de fomento, formación, desarrollo y vinculación de recursos humanos de alto nivel del Consejo Nacional de Ciencia y Tecnología [Regulation of Scholarships of the Program for the Promotion, Training, Development and Linking of High Level Human Resources of the National Council of Science and Technology]. 2008.

#### **EMIGRATION\_17: Ban for specific civil professional groups.**

**There is an emigration ban for specific professional group(s):**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**There is a ban for medical doctors:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**There is a ban for other professions:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_18. The ban can be overcome by a letter signed by a supervisor:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_19. The ban can be overcome by a letter signed by an official authority.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **1.4. Policy incentives**

**EMIGRATION\_20. Existence during 2017 of campaigns to encourage emigration:**

Answer: No

Code: 0

Explanation: No such campaigns exist. The Programa “Paisano, bienvenido a tu casa” is not a campaign to encourage Mexicans to emigrate, but rather a guide for Mexicans residing in the USA to be aware of their rights and obligations when coming to visit to Mexico or when returning. In Spanish, the program guarantees “ingreso, tránsito y salida de nuestros connacionales por territorio mexicano, sea con absoluta garantía de sus derechos, la seguridad de sus bienes y el pleno conocimiento de sus obligaciones”.

Sources: Deutsche Welle. “AMLO cancela el programa “Paisano” para mexicanos en el extranjero [AMLO Cancels "Paisano" Program for Mexicans Abroad]”. Access date not available. <https://www.dw.com/es/amlo-cancela-el-programa-paisano-para-mexicanos-en-el-extranjero/a-48396977>.

**EMIGRATION\_21. Existence during 2017 of campaigns to discourage emigration:**

Answer: No

Code: 0

Explanation: No campaign openly discourages emigration. The Programa “Paisano, bienvenido a tu casa” has been cancelled as of 2019. It was not, however, a campaign to discourage Mexicans to emigrate, but rather a guide for Mexicans residing in the USA to be aware of their rights and obligations when coming to visit to Mexico or when returning. In Spanish, the program guarantees “ingreso, tránsito y salida de nuestros connacionales por territorio mexicano, sea con absoluta garantía de sus derechos, la seguridad de sus bienes y el pleno conocimiento de sus obligaciones”.

Sources: Deutsche Welle. “AMLO cancela el programa “Paisano” para mexicanos en el extranjero [AMLO Cancels "Paisano" Program for Mexicans Abroad]”. Access date not available. <https://www.dw.com/es/amlo-cancela-el-programa-paisano-para-mexicanos-en-el-extranjero/a-48396977>.

**EMIGRATION\_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):**

Answer: No

Code: 0

Explanation: The Mexican state does not have such a license system to recognize and authorize emigration brokers. Not even for the Program for Agricultural Seasonal Workers (Programa de Trabajadores Agrícolas Temporales) Mexico-Canada are there recognized brokers; the Servicio Nacional de Empleo takes care of the registration of candidates, makes the matching, and receives the demand of Canada (labor market demand). Lately there are some other agencies in both countries that deal with the process, but this has been criticized for leading to lower guarantees.

Sources: Ventana Pública. "Programa con Aarón Díaz Mendiburo sobre mujeres trabajadoras agrícolas temporales [Program with Aaron Diaz Mendiburo on Women Temporary Agricultural Workers]". Access date not available.

<https://www.facebook.com/VentanaPublica1/videos/1022737641447349/>.

**EMIGRATION\_23: Emigration lump sum.**

**State of origin pays a lump sum incentive to citizens willing to emigrate:**

Answer: No

Code: 0

Explanation: No provisions in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**Register the amount of the sum in country currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Register the amount of the sum in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.**

Answer: Yes

Code: 1

Explanation: Potential emigrants may retire their pension contributions to retirement from whichever private service they have chosen for those savings (these are called afores after the acronym AFORE: Administración de Fondos para el Retiro), but this comes at a cost if they have not yet reached retirement age (65 years of age), as the AFORE may retain 20% of the sum (“Cuando una persona decide aportar a su Afore con la intención de retirar hasta que cumpla 65 años u obtenga una pensión por invalidez o riesgo de trabajo y posteriormente cambia de opinión y decide retirar ese ahorro antes de lo previsto, su Afore aplica la retención”(Agencia Reforma 2018) ).

Sources: MiBolsillo México. “Esto pasa si sacas el dinero de tu Afore antes de tiempo [This Happens if you Take Money from your Afore ahead of Time]”. Access date not available. <https://www.mibolsillo.com/retiro/retiro-anticipado-dinero-afore-retenciones-capital-fondos-ahorro-retiro-20180723-0001.html>. / Gobierno de México. “Trámite: Retiro de ahorro voluntario [Procedure: Voluntary Savings Withdrawal]”. Access date not available. [https://www.consar.gob.mx/gobmx/aplicativo/catsar/Principal/TramiteExt.aspx?idTramite=11&PAG\\_ACTUAL=/gobmx/aplicativo/catsar/Principal/InicioExt.aspx](https://www.consar.gob.mx/gobmx/aplicativo/catsar/Principal/TramiteExt.aspx?idTramite=11&PAG_ACTUAL=/gobmx/aplicativo/catsar/Principal/InicioExt.aspx).

## 1.5. Penalties

**EMIGRATION\_25: Loss of private property.**

**Risk of losing real state in case of emigration:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**Risk of losing bank accounts in case of emigration:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**EMIGRATION\_26: Re-entry ban.**

**Existence of a re-entry ban after residence abroad for nationals by naturalization:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**Re-entry ban applies after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals by birth:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

**Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Ley de Migración [Migration Law]. 2011.

## **1.6. Administration**

**EMIGRATION\_28. Existence of institution/agency with competencies for exit and/or emigration:**

**Existence of institution/agency with competencies for exit and/or emigration:**

Answer: Yes

Code: 1

Explanation: Ministry of Foreign Affairs primarily, and Instituto Nacional de Migración, secondarily.

Sources: Ley de Migración [Migration Law]. 2011.

**Name of the institution with competencies for exit and/or emigration in original language:**

Answer: Ministerio de Relaciones Exteriores e Instituto Nacional de Migración

**Name of the institution with competencies for exit and/or emigration in English:**

Answer: Ministry of Foreign Affairs and National Institute for Migration

**Place in the administrative hierarchy:**

Answer: 1st Rank in the public administration in the country (e.g. Ministry)



Code: 1

Explanation: Ministerio de Relaciones Exteriores e Instituto Nacional de Migración.

Sources: Gobierno de México. "Secretaría de Relaciones Exteriores [Secretary of External Affairs]".  
Access date not available. <https://www.gob.mx/sre>.

## 2. Emigrant policies

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### 2.1. Policies of representation

#### 2.1.1. Electoral rights

##### **EMIGRANT\_1. Voting is mandatory for citizens residing abroad:**

Answer: No

Code: 0

Explanation: No, voting is not mandatory either for residents or emigrants. Voting is a right, not a duty according to the Mexican Constitution (Art. 35).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 35.

##### **Does the country have presidential elections?**

Answer: Yes

Code: 1

##### **Does the country have a bicameral system (e.g. composed of a Lower House and an Upper House, or an originating chamber and a reviewer chamber)?**

Answer: Yes

Code: 1

#### *Presidential elections*

##### **EMIGRANT\_2. Can non-resident citizens vote in national presidential elections from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: Generally enfranchised.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014).

##### **EMIGRANT\_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: No, as the residency requirements are quite high: candidacy requires a 20 year-long residence in the country (at some point in life) and one continuous year of residence previous to the election with a maximum absence of 30 days.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 82.

## *Legislative elections*

### Lower House (National Elections)

#### **EMIGRANT\_4. Can non-resident citizens vote in national legislative elections (Lower House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: No, Mexicans abroad are not enfranchised for the Lower House (Cámara de Diputados).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 329.

#### **EMIGRANT\_5. Can non-resident citizens stand as candidates in national legislative elections (Lower House) from abroad?**

Answer: Generally disenfranchised

Code: 0

Explanation: No, Mexicans abroad are not enfranchised for the Lower House (Cámara de Diputados).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 329.

### Upper House (National Elections)

#### **EMIGRANT\_6. Can non-resident citizens vote in national legislative elections (Upper House) from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: Yes, they can vote for the Upper House (Senado).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 329.

#### **EMIGRANT\_7. Can non-resident citizens stand as candidates in national legislative elections (Upper House) from abroad?**

Answer: Only if past residence in lifetime or birth in the territory

Code: 0.75

Explanation: The federal Constitution states that they must have been born in the state which they would run for or be its resident (vecino) for more than six months previous to the election. However, electoral federalism allows states to fix and relax other rules on candidacy rights and some states of the federation do allow their emigrants to stand as candidates. Some states relax these rules.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 55 and 58.

### *Registration*

#### **EMIGRANT\_8. Registration in the electoral roll for non-resident citizens:**

Answer: Active registration, frequent renewal (for every election)

Code: 0

Explanation: Active registration, frequent renewal (for every election).

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014.

### *Remote voting*

#### **EMIGRANT\_9. Voting methods from abroad:**

##### **Voting methods available to cast votes from abroad - Electronic voting:**

Answer: Yes

Code: 1

Explanation: The LGIPE enumerates three methods, but so far only postal (for federal elections) and electronic voting (for some states) have been implemented.

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014.

##### **Voting methods available to cast votes from abroad - Proxy voting:**

Answer: No

Code: 0

Explanation: The LGIPE enumerates three methods, but so far only postal (for federal elections) and electronic voting (for some states) have been implemented.

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014.

**Voting methods available to cast votes from abroad - Postal voting:**

Answer: Yes

Code: 1

Explanation: The LGIPE enumerates three methods, but so far only postal (for federal elections) and electronic voting (for some states) have been implemented.

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014.

**Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:**

Answer: Yes

Code: 1

Explanation: The LGIPE enumerates three methods, but so far only postal (for federal elections) and electronic voting (for some states) have been implemented.

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014.

**Voting methods available to cast votes from abroad - Ad hoc polling stations:**

Answer: No

Code: 0

Explanation: The LGIPE enumerates three methods, but so far only postal (for federal elections) and electronic voting (for some states) have been implemented.

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014.

*Special representation*

**EMIGRANT\_10: Emigrant special representation.**

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's Lower House?**

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

**Number of special seats reserved for non-resident candidates in the Lower House:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the Lower House:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's Upper House?**

Answer: No

Code: 0

Explanation: No such provision

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014.

**Number of special seats reserved for non-resident candidates in the Upper House:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the Upper House:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Remote voting implementation*

**EMIGRANT\_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):**

Answer: yes

Code:

Explanation: All important provisions have been implemented, except the electronic vote at federal elections. The LGIPE mandates that comprehensive studies be conducted before the implementation of the electronic vote per internet from abroad to ensure it fulfills all conditions to issue a free, secret vote. These are not secured yet: in September 2019 the National Electoral Institute approved guidelines that advance the process of implementation of electronic voting for the next national elections -now public calls for tenders that correspond to those guidelines remain to be done (INE 2019b).

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014. / Central Electoral. "Avanza INE en implementación del sistema de voto electrónico de los mexicanos en el extranjero [INE Advances in the Implementation of the Electronic Voting System for Mexicans Abroad]". Accessed September 18, 2019. <https://centralelectoral.ine.mx/2019/09/18/avanza-ine-implementacion-del-sistema-voto-electronico-los-mexicanos-extranjero/>.

**EMIGRANT\_12. In case external voting has not been implemented after its adoption, what are the main reasons?**

Answer: Not applicable

Code: Not applicable

Explanation: NA

Sources: NA

## 2.1.2. Regulation of political competition abroad

### *Party offices in the state of reception*

#### **EMIGRANT\_13. Offices of political parties are legally allowed abroad:**

Answer: No specific regulation of offices abroad

Code: 0.5|No specific regulation of offices abroad

Explanation: This is not regulated, but what is regulated suggests that parties want to keep their presence abroad very low key, as political campaigns and proselitism in times of electoral campaigns in Mexico are strictly forbidden by LGIPE Art. 353.

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014. Art. 353.

#### **EMIGRANT\_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:**

Answer: No

Code: 0

Explanation: No official party offices. However, there are grassroots organizations and committees abroad, especially in the USA, such as "Morena en Estados Unidos", and there is organization of parties for the purpose of generating political support and cadres abroad, as evidenced by the guidelines of the Partido Acción Nacional, PAN, for its functioning abroad. In 2017, MORENA opened nine offices in cities of the USA (New York, Chicago, Los Ángeles, El Paso, San Francisco, Phoenix, Denver, Washington and San Diego) for the purpose of offering free legal advice to Mexican immigrants and prevent deportations under Trump. These offices are called Morena MIA (after Mexicanos Inmigrantes en América) and publicly report having no intention of recruiting members for MORENA.

Sources: Normas mínimas para el funcionamiento de la estructura del Partido Acción Nacional en los Estados Unidos de América [Minimum Standards for the Functioning of the Structure of the National Action Party in the United States of America]. 2005.

#### **EMIGRANT\_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_16. Could external party offices receive public funding from state of origin?**

Answer: Not applicable



Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### *Political campaigns*

#### **EMIGRANT\_17. Electoral campaigns abroad for home elections are legally regulated:**

Answer: Specific prohibition of campaigns abroad

Code: 0

Explanation: Not allowed.

Sources: Ley General de Instituciones y Procedimientos Electorales [General Law of Electoral Institutions and Procedures]. 2014.

#### **EMIGRANT\_18. Actual existence of campaigns abroad for home elections:**

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_19. Existence of public funding for electoral campaigns in state of residence:**

Answer: No mention to public funding for campaigns abroad in main electoral regulations

Code: 0.5

Explanation: Not applicable

Sources: Not applicable

### *Membership in political parties*

#### **EMIGRANT\_20. Emigrant membership to home country political parties:**

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: This is possible, because parties in Mexico are free to regulate their membership in which ever way they want to. Usually, Mexicans abroad are regular members if they pay their membership fees; the party MORENA, however, exempts their members abroad from the payment of party fees (Estatutos..., Art 6, e). For candidacies and in-party voting, the party rules usually state whether residence is relevant or not.

Sources: Estatutos del Partido Revolucionario Institucional [Statutes of the Institutional Revolutionary Party]. 2014. Art. 6, e. / Normas mínimas para el funcionamiento de la estructura del Partido Acción Nacional en los Estados Unidos de América [Minimum Standards for the Functioning of the Structure of the National Action Party in the United States of America]. 2005.

### **2.1.3. Consultative bodies**

### **2.1.4. Consultative bodies at the national level**

#### **EMIGRANT\_21. Existence of a consultative body on emigrant issues:**

Answer: No

Code: 0

Explanation: No. There was one, but it was eliminated in 2017. The last one that was active concluded its activities in 2014. The Consejo Consultivo del Instituto de los Mexicanos en el Exterior, CCIME, used to be the channel between the central government and the communities of Mexican emigrants, to issue recommendations to the IME. It was consulted twice a year and extraordinarily, if needed. It was composed of more than 100 members designated per district and trajectory, elected every three years without possible immediate reelection.

Sources: The search description of the Google Search webpage found (which cannot be accessed in the version that is listed in the search any longer) suggest that this has been eliminated in 2017: ("CCIME CONSEJO CONSULTIVO MEXICO - Google-Suche" 2019).

#### **EMIGRANT\_22. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_23. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_24. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_27. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### *Consultative bodies at the consular level*

#### **EMIGRANT\_28. Existence of a consultative body of emigrants at the consular level.**

Answer: No

Code: 0

Explanation: Not as of 2017 as a state policy. In 2019, 12 consultative forums (“Foros Consultivos”) were held in USA cities and, additionally, others in few European ones to listen to Mexicans residing there to incorporate their voices into the National Plan for Development and for later linkages with IME, yet nothing suggests that these are going to be a part of the IME structure or that they will meet regularly.

Sources: Gobierno de México. “Instituto de los Mexicanos en el Exterior [Institute for Mexicans Abroad]”. Access date not available. <https://www.gob.mx/ime/que-hacemos>.

#### **EMIGRANT\_29. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_30. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_31. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_34. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 2.1.5. Funding of emigrant associations

### EMIGRANT\_35. Existence of consular support (in kind or financial) to independent emigrant associations

Answer: Yes

Code: 0

Explanation: There is some support in kind for their networking in the form of a directory of emigrant associations and Hometown associations provided by the IME.

Sources: Gobierno de México. "Directorio de asociaciones y clubes de oriundos [Directory of Orangemen's Clubs and Associations]". Access date not available. <https://asociaciones.sre.gob.mx/>.

## 2.2. Economic Policies

### 2.2.1. Remittances

#### EMIGRANT\_36. Government program/strategy to attract remittances from emigrants.

##### Existence of a government program to attract remittances from emigrants:

Answer: Yes

Code: 1

Explanation: There is a direct transfer channel: Directo a México is a program establishing safe, direct transfers of money at low cost between localities in the USA and Mexico. Other than this, there were no remittance fees control programs in 2017-18. In 2019 the federal government made public the Agreement with Banco Santander to eliminate fees for remittances (Alto Nivel, "Aunque quiten...", 2019). The Co-development Program 3 x 1 was still active as of 2017, a program of the federal government which supports the initiatives of organized migrants to carry out projects that contribute to the development of their localities of origin, through the contribution of the three levels of government: federal, state and municipal, as well as migrant organizations abroad (Sedesol, "Programa 3x1 para migrantes", 2017).

Sources: Alto Nivel. "Aunque quiten comisiones, los bancos 'castigan' remesas de los mexicanos [Even if Commissions are Removed, Banks 'Punish' Mexican Remittances]". Accessed November 27, 2019. <https://www.altonivel.com.mx/finanzas/aunque-quiten-comisiones-los-bancos-castigan-remesas-de-los-mexicanos/>. / Gobierno de México. "Instituto de los Mexicanos en el Exterior [Institute for Mexicans Abroad]". Access date not available. <https://www.gob.mx/ime/que-hacemos>.

##### Measures to improve banking channels for remittances:

Answer: Yes

Code: 1

Explanation: There is a direct transfer channel: Directo a México is a program establishing safe, direct transfers of money at low cost between localities in the USA and Mexico. Other than this, there were

no remittance fees control programs in 2017-18. In 2019 the federal government made public the Agreement with Banco Santander to eliminate fees for remittances (Alto Nivel, “Aunque quiten...”, 2019). The Co-development Program 3 x 1 was still active as of 2017, a program of the federal government which supports the initiatives of organized migrants to carry out projects that contribute to the development of their localities of origin, through the contribution of the three levels of government: federal, state and municipal, as well as migrant organizations abroad (Sedesol, “Programa 3x1 para migrantes”, 2017).

Sources: Alto Nivel. “Aunque quiten comisiones, los bancos ‘castigan’ remesas de los mexicanos [Even if Commissions are Removed, Banks 'Punish' Mexican Remittances]”. Accessed November 27, 2019. <https://www.altonivel.com.mx/finanzas/aunque-quiten-comisiones-los-bancos-castigan-remesas-de-los-mexicanos/>. / Gobierno de México. “Instituto de los Mexicanos en el Exterior [Institute for Mexicans Abroad]”. Access date not available. <https://www.gob.mx/ime/que-hacemos>.

#### **Existence of fee controls for remittances:**

Answer: No

Code: 0

Explanation: No, there is not existence of fee controls. There is a direct transfer channel: Directo a México is a program establishing safe, direct transfers of money at low cost between localities in the USA and Mexico. Other than this, there were no remittance fees control programs in 2017-18. In 2019 the federal government made public the Agreement with Banco Santander to eliminate fees for remittances (Alto Nivel, “Aunque quiten...”, 2019). The Co-development Program 3 x 1 was still active as of 2017, a program of the federal government which supports the initiatives of organized migrants to carry out projects that contribute to the development of their localities of origin, through the contribution of the three levels of government: federal, state and municipal, as well as migrant organizations abroad (Sedesol, “Programa 3x1 para migrantes”, 2017).

Sources: Alto Nivel. “Aunque quiten comisiones, los bancos ‘castigan’ remesas de los mexicanos [Even if Commissions are Removed, Banks 'Punish' Mexican Remittances]”. Accessed November 27, 2019. <https://www.altonivel.com.mx/finanzas/aunque-quiten-comisiones-los-bancos-castigan-remesas-de-los-mexicanos/>. / Gobierno de México. “Instituto de los Mexicanos en el Exterior [Institute for Mexicans Abroad]”. Access date not available. <https://www.gob.mx/ime/que-hacemos>.

#### **Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):**

Answer: Yes

Code: 1

Explanation: There is a direct transfer channel: Directo a México is a program establishing safe, direct transfers of money at low cost between localities in the USA and Mexico. Other than this, there were no remittance fees control programs in 2017-18. In 2019 the federal government made public the Agreement with Banco Santander to eliminate fees for remittances (Alto Nivel, “Aunque quiten...”, 2019). The Co-development Program 3 x 1 was still active as of 2017, a program of the federal government which supports the initiatives of organized migrants to carry out projects that contribute to the development of their localities of origin, through the contribution of the three levels of government: federal, state and municipal, as well as migrant organizations abroad (Sedesol, “Programa 3x1 para migrantes”, 2017).

Sources: Alto Nivel. “Aunque quiten comisiones, los bancos ‘castigan’ remesas de los mexicanos [Even if Commissions are Removed, Banks 'Punish' Mexican Remittances]”. Accessed November 27, 2019. <https://www.altonivel.com.mx/finanzas/aunque-quiten-comisiones-los-bancos-castigan-remesas-de-los-mexicanos/>.

remesas-de-los-mexicanos/. / Gobierno de México. “Instituto de los Mexicanos en el Exterior [Institute for Mexicans Abroad]”. Access date not available. <https://www.gob.mx/ime/que-hacemos>.

## 2.2.2. Investment

**EMIGRANT\_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):**

Answer: Yes

Code: 1

Explanation: Yes, there are several. There is a co-development strategy named “Programa 3x1” to channel remittances to local community development programs in Mexico through equal contributions by the three levels of government: federal, state and municipal, and the HTAs. As of 2017 there were three programs to meet the needs and provide solutions for construction and acquisition of housing for Mexican emigrants in the national territory. The first is: Tu vivienda en México; the second is: Construye en tu tierra; and the third is: Crédito Migrante-Autoproducción, which facilitates credit for migrants.

Sources: Gobierno de México. “Programa 3x1 para migrantes [3x1 Migrant Program]”. Access date not available. <https://www.gob.mx/bienestar/acciones-y-programas>. / Gobierno de México. “Instituto de los Mexicanos en el Exterior [Institute for Mexicans Abroad]”. Access date not available. <https://www.gob.mx/ime/que-hacemos>. / Gobierno de México. “Construye en tu tierra [Build on your Land]”. Access date not available. <https://www.gob.mx/ime/acciones-y-programas/construye-en-tu-tierra>. / Gobierno de México. “Tu vivienda en México [Your Home in Mexico]”. Access date not available. <http://www.gob.mx/ime/acciones-y-programas/tu-vivienda-en-mexico>.

## 2.2.3. Brain circulation networks

**EMIGRANT\_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?**

Answer: Yes

Code: 1

Explanation: This is a state-initiated program, but in the form of a network, called “Red Global MX” to help the highly qualified Mexicans who reside abroad who are linked to businesses or sectors that generate high added value to contribute to a better insertion of Mexico in the global economy and, in particular, in the so-called “knowledge economy”.

Sources: Red Global Mx. “[Global Network Mx]”. Access date not available. <http://redtalentos.gob.mx/rgmx>. / Cienciamx Noticias. “Red Global MX: talento mexicano en el exterior [Red Global MX: Mexican Talent Abroad]”. Access date not available. <http://www.cienciamx.com/index.php/sociedad/asociaciones/1727-red-global-mx-talento-mexicano-en-el-exterior>.



## 2.2.4. Return policies

**EMIGRANT\_39. Recognition of academic and professional qualifications acquired in the state of residence:**

**Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:**

Answer: Yes

Code: 1

Explanation: Yes. The revalidation of studies earned abroad is carried out as part of a process that must be started in Mexico, either personally or through a legal representative. It serves to validate studies at the primary, secondary, upper secondary and higher levels. It is a procedure regulated by the Ministry of Public Education (SEP). The duration is for 15 working days of a partial recognition (enough to continue studying unconcluded studies in an institution of the national education system, in cases where the person does not have a title) and it is variable for total recognition of titles acquired abroad, as there are institutions that have to issue a recommendation for it and their response varies.

Sources: Gobierno de México. "Revalidación de estudios del tipo superior (SEP-18-019) [Revalidation of Higher Education Studies (SEP-18-019)]". Access date not available.  
<http://www.gob.mx/sep/acciones-y-programas/revalidacion-de-estudios-del-tipo-superior-sep-18-019>.

**Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:**

Answer: 6 months or less

Code: 1

Explanation: Yes. The revalidation of studies earned abroad is carried out as part of a process that must be started in Mexico, either personally or through a legal representative. It serves to validate studies at the primary, secondary, upper secondary and higher levels. It is a procedure regulated by the Ministry of Public Education (SEP). The duration is for 15 working days of a partial recognition (enough to continue studying unconcluded studies in an institution of the national education system, in cases where the person does not have a title) and it is variable for total recognition of titles acquired abroad, as there are institutions that have to issue a recommendation for it and their response varies.

Sources: Gobierno de México. "Revalidación de estudios del tipo superior (SEP-18-019) [Revalidation of Higher Education Studies (SEP-18-019)]". Access date not available.  
<http://www.gob.mx/sep/acciones-y-programas/revalidacion-de-estudios-del-tipo-superior-sep-18-019>.

**EMIGRANT\_40. Communication campaigns aiming to convince emigrants to return to home country:**

Answer: No

Code: 0

Explanation: No. The Programa "Paisano, Bienvenido a tu Tierra" was an information campaign so that emigrants would be aware of their rights and obligations coming back, in order not to be subject to extortion, but not a campaign to incentivize them to return.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

**EMIGRANT\_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:**

Answer: Yes

Code: 1

Explanation: Yes: these have two variants. One is repatriation (for Mexican emigrants to contribute from abroad to research teams in Mexico) and the other is retention (for emigrants returning or for foreigners to stay in Mexico): “Repatriations: Mexican researchers with research experience who are abroad and who wish to make contributions in the research teams established in the country will participate. Retentions: Mexican and foreign researchers residing in the country, with research experience, who wish to make contributions in the research teams established in the country, may participate for a retention”.

Sources: Consejo Nacional de Ciencia y Tecnología. “Repatriaciones y retenciones – Conacyt [Repatriations and Retentions - Conacyt]”. Access date not available. <https://www.conacyt.gob.mx/index.php/becas-y-pos>.

**EMIGRANT\_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:**

Answer: Yes

Code: 1

Explanation: Yes, the program “Somos Mexicanos”\*\*, by the National Institute of Migration under the Ministry of the Interior (not the IME under the SRE which otherwise deals with emigrants) seeks to “facilitate the social and economic reintegration of Mexican repatriated persons so that their return to the country is dignified, productive and in keeping with the fundamental principles of human rights... combining the efforts of the three levels of government, as well as civil society, international organizations and foundations, to achieve their reintegration into national life”. Thanks to this program, the beneficiaries obtained a certificate of repatriation as well as the CURP, which allows them to identify themselves, in addition to their incorporation into Seguro Popular to receive medical attention. \*\*The responsible persons in the current government in 2019 have stated that it did not work and that they prepare a better one for the second half of 2019, perhaps for its implementation in 2020.

Sources: Gobierno de México. “Estrategia Somos Mexicanos [Somos Mexicanos Strategy]”. Access date not available. <https://www.gob.mx/inm/acciones-y-programas/estrategia>. / Gobierno de México. “Tarjeta de visitante trabajador fronterizo [Border Worker Visitor's Card]”. Access date not available. <https://www.gob.mx/tramites/ficha/tarjeta-de-visitante-trabajador-fronterizo/INM275>. / Conexión Migrante. “No sirve el programa “Somos Mexicanos” [The “Somos Mexicanos” Program is useless]”. Access date not available. <https://conexionmigrante.com/2019-03-15/no-sirve>.

## **2.3. Social Policies**

### **2.3.1. Retirement benefits**

### **EMIGRANT\_43. Retirement benefits after emigration (i.e. pensions):**

Answer: Yes

Code: 1

Explanation: Yes, it is possible. All Mexicans abroad with a Mexican contract maintain their benefits since labor laws apply independently of the residence; however, the coverage of this for the Mexicans abroad is minimal. It is more important that they are able to contribute to private pension funds, afores, which they can now, since the IME has made an alliance with the National Commission for the System of Savings for Retirement (Comisión Nacional del Sistema de Ahorro para el Retiro, CONSAR) to promote the use of a digital app “Afore Móvil” which allows emigrants to know their pension funds and keep saving for them in the distance.

Sources: El Economista. “Migrantes en EU dejaron 6 millones de cuentas en México: Consar [Migrants in the U.S. Left 6 Million Accounts in Mexico: Consar]”. Access date not available. <https://www.eleconomista.com.mx/sectorfinanciero/Migrantes-en-EU-dejaron-6-millones-de-cuentas-en-Mexico-Consar-20180323-0095.html>. / Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

## **2.3.2. Health care benefits**

### **EMIGRANT\_44. Health care benefits.**

**Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):**

Answer: Yes, under certain conditions

Code: 1

Explanation: Yes. Mexican migrants who work in the United States and whose families stay to live in Mexico can join the Seguro Popular, so that they have access to public health services in Mexico. Given that health is a fundamental right, all Mexicans working in the United States and their families, based in Mexico, can receive medical care, through Seguro Popular, in any of the 32 states of the Mexican Republic. With Seguro Popular, when they visit or return to Mexico, they can be treated in clinics and hospitals both federal and state of the Ministry of Health and thus be protected. The Seguro Popular extends to the relatives of emigrants. Also, abroad they can access the “Health Windows” (Ventanillas de Salud) (reduced) health services through the consulates that offer information on where and how to access health services in the USA without risk of being screened for legal status, they can receive information on certain illnesses that are common to the Mexican community in the USA and get some vaccinations in special campaigns. The validity of this right to health care benefits must be verified after 2020, since the Seguro Popular is apparently going to be phased out and turned into Insabi.

Sources: Gobierno de Guanajuato. “El seguro popular y los migrantes [Popular Insurance and Migrants]”. Access date not available. <http://seguropopular.guanajuato.gob.mx/secciones/migrantes.html>.

**Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:**

Answer: Yes, under certain conditions

Code: 1

Explanation: Yes. Mexican migrants who work in the United States and whose families stay to live in Mexico can join the Seguro Popular, so that they have access to public health services in Mexico. Given that health is a fundamental right, all Mexicans working in the United States and their families, based in Mexico, can receive medical care, through Seguro Popular, in any of the 32 states of the Mexican Republic. With Seguro Popular, when they visit or return to Mexico, they can be treated in clinics and hospitals both federal and state of the Ministry of Health and thus be protected. The Seguro Popular extends to the relatives of emigrants. Also, abroad they can access the “Health Windows” (Ventanillas de Salud) (reduced) health services through the consulates that offer information on where and how to access health services in the USA without risk of being screened for legal status, they can receive information on certain illnesses that are common to the Mexican community in the USA and get some vaccinations in special campaigns.

Sources: Gobierno de Guanajuato. “El seguro popular y los migrantes [Popular Insurance and Migrants]”. Access date not available.  
<http://seguropopular.guanajuato.gob.mx/secciones/migrantes.html>.

### **Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:**

Answer: Yes, under certain conditions

Code: 1

Explanation: Yes. Mexican migrants who work in the United States and whose families stay to live in Mexico can join the Seguro Popular, so that they have access to public health services in Mexico. Given that health is a fundamental right, all Mexicans working in the United States and their families, based in Mexico, can receive medical care, through Seguro Popular, in any of the 32 states of the Mexican Republic. With Seguro Popular, when they visit or return to Mexico, they can be treated in clinics and hospitals both federal and state of the Ministry of Health and thus be protected. The Seguro Popular extends to the relatives of emigrants. Also, abroad they can access the “Health Windows” (Ventanillas de Salud) (reduced) health services through the consulates that offer information on where and how to access health services in the USA without risk of being screened for legal status, they can receive information on certain illnesses that are common to the Mexican community in the USA and get some vaccinations in special campaigns.

Sources: Gobierno de Guanajuato. “El seguro popular y los migrantes [Popular Insurance and Migrants]”. Access date not available.  
<http://seguropopular.guanajuato.gob.mx/secciones/migrantes.html>.

## **2.3.3. Education**

### **EMIGRANT\_45. Education programs for emigrants.**

**Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:**

Answer: Yes

Code: 1

Explanation: There are many others that are very targeted to the profile of the Mexican community abroad. There is the Mexico-USA Teacher Exchange Program “Programa Nacional de Educación Migrante” (PROBEM) by which teachers participate in schools in 7 US states, but also facilitates the issuing of documents that allow mobility of kids “Documento de transferencia del estudiante migrante binacional” and facilitates that they enter schools any time in the school calendar. The program B@UNAM promotes high schools at distance, directed by UNAM (The National University of Mexico) in collaboration with IME and SEP. IME-Becas pays for scholarships of Mexicans studying in the USA, it is dealt with by the consulates and it is financed in a 3x1 scheme divided into the government, the education institution and the individual.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

**State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):**

Answer: Yes

Code: 1

Explanation: There are many others that are very targeted to the profile of the Mexican community abroad. There is the Mexico-USA Teacher Exchange Program “Programa Nacional de Educación Migrante” (PROBEM) by which teachers participate in schools in 7 US states, but also facilitates the issuing of documents that allow mobility of kids “Documento de transferencia del estudiante migrante binacional” and facilitates that they enter schools any time in the school calendar. The program B@UNAM promotes high schools at distance, directed by UNAM (The National University of Mexico) in collaboration with IME and SEP. IME-Becas pays for scholarships of Mexicans studying in the USA, it is dealt with by the consulates and it is financed in a 3x1 scheme divided into the government, the education institution and the individual.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

**State of origin offers language courses to emigrants to learn the language of the state of reception:**

Answer: Yes

Code: 1

Explanation: There are many others that are very targeted to the profile of the Mexican community abroad. There is the Mexico-USA Teacher Exchange Program “Programa Nacional de Educación Migrante” (PROBEM) by which teachers participate in schools in 7 US states, but also facilitates the issuing of documents that allow mobility of kids “Documento de transferencia del estudiante migrante binacional” and facilitates that they enter schools any time in the school calendar. The program B@UNAM promotes high schools at distance, directed by UNAM (The National University of Mexico) in collaboration with IME and SEP. IME-Becas pays for scholarships of Mexicans studying in the USA, it is dealt with by the consulates and it is financed in a 3x1 scheme divided into the government, the education institution and the individual.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

## 2.4. Cultural policies

### 2.4.1. Visits to country of origin

**EMIGRANT\_46. State of origin organizes visits to the origin country for emigrants on a regular basis:**

Answer: Yes

Code: 1

Explanation: Yes, groups of "Dreamers" (1.5 or 2nd generation Mexicans in the USA who became known for their fight to get a regular status and access higher education in the USA) received support to travel from different parts of the United States to Mexico City for the first time since they are children, through the "Dreamers without Borders" program coordinated by the IME with the US-Mexico Foundation.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

### 2.4.2. Language courses for emigrants

**EMIGRANT\_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):**

Answer: Yes

Code: 1

Explanation: Yes, the consulates administer "Plazas comunitarias" for the alphabetization of adult emigrants. This has benefited an average of 24,000 persons per year since 2012. There is also a program of donation of free education textbooks in the consulates.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

## 2.5. Obligations

### 2.5.1. Military service

**EMIGRANT\_48. Emigrants have the obligation to comply with military service:**

Answer: Military service mandatory for residents and nonresidents

Code: 1

Explanation: It is mandatory for Mexican national males over 18 years old residing in Mexico to present themselves for military service once in their life before they turn 40. Only a fraction will have to do it; this is decided by a draft. For women, military service is voluntary. Mexicans who have emigrated don't have to comply with it; if they are abroad, they can suspend it (postpone it) or apply for an exemption (which applies if they are double nationals in times of peace). Fulfilling this obligation is only relevant if they want to come back, as several employments require it, but not if they intend to stay abroad and make use of state services abroad (consular services).

Sources: Consulado de México en Toronto. "Servicio Militar [Military Service]". Access date not available. <https://consulmex.sre.gob.mx/toronto/index.php/es/se/>. / Ley del Servicio Militar [Military Service Law]. 1940 (2017).

## 2.5.2. Social service

### EMIGRANT\_49. Emigrants have the obligation to comply with social service:

Answer: Social service voluntary for residents and nonresidents

Code: 0.5

Explanation: This is only mandatory for people who have received medium or higher education in Mexico and what to get a title to exercise their profession. People who fall in these cases and who reside abroad can comply with social service by working in the representations of Mexico abroad (embassies and consulates).

Sources: Secretaría de Relaciones Exteriores. "Servicio Social y Prácticas Profesionales en las Representaciones de México en el Exterior [Social Service and Professional Practices in the Mexican Representations Abroad]". Accessed November 19, 2019. <https://sre.gob.mx/component/phocadownload/category/9-servicio-social-y-practicas-profesionales?download=67:servicio-social-y-practicas-profesionales-en-representaciones-de-mexico-en-el-exterior>.

## 2.5.3. Taxes

### EMIGRANT\_50. Obligation to pay taxes in state of origin

#### Emigrant must pay income taxes in state of origin:

Answer: No

Code: 0

Explanation: No, unless their source of income/wealth is in Mexico; taxation follows a principle of territoriality. There are no specific taxes for emigrants.

Sources: Régimen fiscal de los residentes en el extranjero [Tax Regime for Residents Abroad]. 2012.

#### There are special taxes for emigrants:

Answer: No

Code: 0

Explanation: No, unless their source of income/wealth is in Mexico; taxation follows a principle of territoriality. There are no specific taxes for emigrants.

Sources: Régimen fiscal de los residentes en el extranjero [Tax Regime for Residents Abroad]. 2012.

## 2.6. Administration

### 2.6.1. Home country administration

**EMIGRANT\_51. Existence of a home country administration agency/body for emigrants in state of origin.**

**Existence of institution/agency with competencies for emigrant policies:**

Answer: Yes

Code: 1

Explanation: Yes, the Institute of Mexicans Abroad (IME) since April 16, 2003, serves the initiatives and community needs of Mexicans who live and work outside our country. Its task is to promote strategies, integrate programs, collect proposals and recommendations from communities, their members, their organizations and advisory bodies, aimed at strengthening their ties with their country of origin and promoting their integration in societies those that reside and interact. Thus, all of the tasks listed: mostly design, implementation, oversee of implementation and coordination.

Sources: Gobierno de México. "Instituto de los Mexicanos en el Exterior ¿Qué hacemos? [Institute of Mexicans Abroad What do we do?]". Accessed September 10, 2021. <https://www.gob.mx/ime/que-hacemos>.

**Name of the institution with competencies for emigrant policies in original language:**

Answer: Instituto de los Mexicanos en el Exterior-IME

**Name of the institution with competencies for emigrant policies in English:**

Answer: Institute of Mexicans Abroad (IME)

**EMIGRANT\_52. Place in the administrative hierarchy:**

Answer: 3rd Rank in the public administration

Code: 0.5



Explanation: The Institute of Mexicans Abroad (IME) is a decentralized body of the Ministry of Foreign Affairs under the umbrella of the Sub-secretariat for North America, thus it is in the third rank of Public Administration (executive).

Sources: Gobierno de México. "Instituto de los Mexicanos en el Exterior ¿Qué hacemos? [Institute of Mexicans Abroad What do we do?]". Accessed September 10, 2021. <https://www.gob.mx/ime/que-hacemos>.

## 2.6.2. Consular network

**EMIGRANT\_53: Number of consulates.**

**Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):**

Answer: 147

Code: 147

Explanation: As of 2018 there were 67 separate consulates (the number has expanded relative to 2014). This does not include honorary consulates. If we add the number of consular sections (80) in embassies (which are indeed not counted in the list of separate consulates), then the actual number is 147 consulates in 80 countries.

Sources: Gobierno de México. "México en el mundo [Mexico in the World]". Access date not available. <https://www.gob.mx/gobierno/mexico-en-el-mundo>.

**Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):**

Answer: 80

Code: 80

Explanation: As of 2018 there were 67 separate consulates (the number has expanded relative to 2014). This does not include honorary consulates. If we add the number of consular sections (80) in embassies (which are indeed not counted in the list of separate consulates), then the actual number is 147 consulates in 80 countries.

Sources: Gobierno de México. "México en el mundo [Mexico in the World]". Access date not available. <https://www.gob.mx/gobierno/mexico-en-el-mundo>.

## 2.6.3. New consular functions

**EMIGRANT\_54: Extensions to the consular network services.**

**Existence of mobile consulates:**

Answer: Yes

Code: 1

Explanation: Yes. Besides the regularly operating mobile consulates and weekend hours, services of Ventanillas have been tried by the consulate in Austin, Texas.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

**Consulates open on weekends on a regular basis (e.g. once monthly):**

Answer: Yes

Code: 1

Explanation: Yes. Besides the regularly operating mobile consulates and weekend hours, services of Ventanillas have been tried by the consulate in Austin, Texas.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

**Consulates offer some services online:**

Answer: Yes

Code: 1

Explanation: Yes. Besides the regularly operating mobile consulates and weekend hours, services of Ventanillas have been tried by the consulate in Austin, Texas.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

**EMIGRANT\_55: Adoption of new consular functions.**

**Consulates offer financial consultancy:**

Answer: Yes

Code: 1

Explanation: All of these have been adopted by some Mexican consulates (not homogeneously and not across all of them but where populations seem to be at risk). Of all three, the services of Ventanillas de Salud (health service provision through consulates) and Jornadas de Educación Financiera (financial consultancy) are the most spread-out.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

**Consulates offer psychological consultancy:**

Answer: Yes

Code: 1

Explanation: All of these have been adopted by some Mexican consulates (not homogeneously and not across all of them but where populations seem to be at risk). Of all three, the services of Ventanillas de Salud (health service provision through consulates) and Jornadas de Educación Financiera (financial consultancy) are the most spread-out.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

#### **Consulates offer health services:**

Answer: Yes

Code: 1

Explanation: All of these have been adopted by some Mexican consulates (not homogeneously and not across all of them but where populations seem to be at risk). Of all three, the services of Ventanillas de Salud (health service provision through consulates) and Jornadas de Educación Financiera (financial consultancy) are the most spread-out.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

### **2.6.4. Special offices**

#### **EMIGRANT\_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):**

Answer: No

Code: 0

Explanation: No. There are many "casas del migrante", but these are NGOs or HTAs. The state irradiates all its activities in the consular network.

Sources: Informe de rendición de cuentas de conclusión de la administración 2012-2018 [Accountability Report for the Conclusion of the 2012-2018 Administration]. 2018.

### 3. Emigrant citizenship and nationality policies

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**CITNAT: Does the country make a distinction between citizenship and nationality?**

Answer: Yes

Code: 1

Explanation: Yes. Citizenship is embedded in nationality, as defined by Art. 34 of the Constitution: “Son ciudadanos de la República los varones y mujeres que, teniendo la calidad de mexicanos, reúnan, además, los siguientes requisitos: I. Haber cumplido 18 años, y II. Tener un modo honesto de vivir”.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 34.

#### 3.1. Emigrant nationality

##### 3.1.1. Dual nationality for emigrants

**EMINAT\_1. Deprivation of nationality for having acquired a foreign nationality.**

**Loss of nationality for acquisition of foreign citizenship (nationals by birth):**

Answer: No provision

Code: 1

Explanation: No. Mexican nationality by birth is inalienable: “No Mexican by birth can be deprived of his/her nationality”.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 37.

**Nationality can be withdrawn only if person resides abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person was born abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Loss of nationality can be prevented:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 3.1.2. Dual nationality only for some countries of residence

**EMINAT\_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.**

**Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:**

Answer: No

Code: 1

Explanation: No. The law is very clear in stating that the inalienability of the nationality for Mexicans by birth is a right of the person, disregarding of other circumstances.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2012). Art. 37, a.

**Which countries:**

Answer: Not applicable

Code: Not applicable

Explanation: No. The law is very clear in stating that the inalienability of the nationality for Mexicans by birth is a right of the person, disregarding of other circumstances.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2012). Art. 37, a.

### **3.1.3. Loss of nationality after residence abroad**

**EMINAT\_3: Loss of nationality after residence abroad.**

**Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: No. The law is very clear in stating that the inalienability of the nationality for Mexicans by birth is a right of the person, disregarding of other circumstances.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2012). Art. 37, a.

**Nationality can be withdrawn only if person resides abroad for 20 years or more:**

Answer: No

Code: 0

Explanation: Yes. Art. 37 of the Constitution states clearly that: "B) Mexican nationality by naturalization will be lost in the following cases: I. By voluntary acquisition of a foreign nationality, by impersonating any public instrument as a foreigner, for using a foreign passport, or for accepting or using noble titles that imply submission to a foreign State, and II. For residing for five continuous years abroad".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 37.

**Nationality can be withdrawn only if person has another citizenship:**

Answer: No

Code: 0

Explanation: Yes. Art. 37 of the Constitution states clearly that: "B) Mexican nationality by naturalization will be lost in the following cases: I. By voluntary acquisition of a foreign nationality, by impersonating any public instrument as a foreigner, for using a foreign passport, or for accepting or using noble titles that imply submission to a foreign State, and II. For residing for five continuous years abroad".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 37.

**Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:**

Answer: Yes = 0

Code: 0

Explanation: Yes. Art. 37 of the Constitution states clearly that: "B) Mexican nationality by naturalization will be lost in the following cases: I. By voluntary acquisition of a foreign nationality, by impersonating any public instrument as a foreigner, for using a foreign passport, or for accepting or using noble titles that imply submission to a foreign State, and II. For residing for five continuous years abroad".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 30, I, II.

### 3.1.4. Jus sanguinis for emigrants

**EMINAT\_4: Transfer of nationality to children born abroad.**

**Country of origin permit parents to confer their nationality on their children who are born abroad:**

Answer: Yes

Code: 1

Explanation: Yes, to the second generation.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 30, I, II.

**Transfer of nationality is applicable to:**

Answer: More than one generation

Code: 0.25

Explanation: Yes, to the second generation.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 1, 2 and 30.

### 3.1.5. Jus sanguinis across generations

**EMINAT\_5: Transfer of nationality to children born abroad from former citizens.**

**Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens**

Answer: Yes

Code: 1

Explanation: Yes, but still with other conditions (only the residence requisite is waived it of 5 years is reduced to 2, but they still need to comply with other standard naturalization procedures such as proving that they speak the language). Descendants of Mexicans to the second degree (grandchildren) have the residence requisite completely waived.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 20, I, a. ace

**Transfer of nationality is applicable to:**

Answer: More than one generation

Code: 0.25

Explanation: Yes, but still with other conditions (only the residence requisite is waived it of 5 years is reduced to 2, but they still need to comply with other standard naturalization procedures such as proving that they speak the language). Descendants of Mexicans to the second degree (grandchildren) have the residence requisite completely waived.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 20, I, a.

### **3.1.6. Renunciation of nationality is possible**

**EMINAT\_6: Voluntary renunciation of nationality abroad is possible.**

**Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:**

Answer: No provision for renunciation (thus, renunciation is not possible)

Code: 0

Explanation: No

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 37.

**Renunciation abroad is only possible if person has another nationality:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.7. Reacquisition of nationality**

**EMINAT\_7. Country of origin provides for reacquisition of nationality for former nationals:**

Answer: Yes

Code: 1

Explanation: If they comply with the conditions of Mexican nationality by birth, they will be able to reacquire it providing proof of their birthright and an identity. They must request it to the Ministry of Foreign Affairs.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. Transitional 4.

## **3.2. Emigrant citizenship**

### **3.2.1. Citizenship restrictions for dual nationals**

**EMICIT\_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):**

Answer: Restrictions if less than 5 years living abroad

Code: 0

Explanation: Yes, there are restrictions for double nationals in their exercise of citizen rights. They are barred from many public positions and popular elected posts: The Constitution restricts virtually all high executive posts in the legislative and executive, besides others: "President (Art. 82), Deputies (Art. 55), Senators (Art. 58), Governors (Art. 116), Mayor of Mexico City (Art. 122), General Attorney (Art. 102), Commissioners (Art. 28), Ministers of the Supreme Court of Justice (Art. 95), and also it is forbidden to serve in the Army, public security or police forces (Art 32).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 28, 32, 55, 58, 82, 95, 102, 116 and 122. / Ley de Nacionalidad [Nationality Law]. 1998 (2012).

### 3.2.2. Different citizenship for emigrants

**EMICIT\_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?**

Answer: No

Code: 0

Explanation: No.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014).

### 3.2.3. Loss or suspension of citizen rights after residence abroad

**EMICIT\_3: Country deprives their national citizens by birth who emigrated of their citizen rights.**

**Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: No. Only because of serving other governments, or accepting nobility titles abroad without permission, not because of residence. Only Mexicans by naturalization lose their nationality (not citizenship) due to residence abroad.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014).

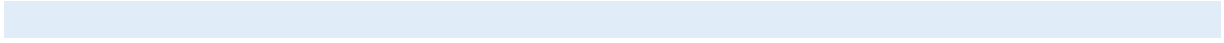
**Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) [\*If it is not specified in the regulation, it is coded as restrictions not conditional to return]:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



## 4. Immigration policies

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### 4.1. General

#### 4.1.1. Number of entry tracks

**IMMIGRATION\_1. How many visa types does the country have?**

Answer: 9

Code: 9

Explanation: There are 9 types of “condiciones de estancia” (visas).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 40.

**IMMIGRATION\_2: Categorical organization of visas**

**Are the visas organized by overarching categories?**

Answer: Yes

Code: 1

Explanation: Yes, the 9 types are grouped in 3 general groups: 1. Visitor (a. Visitor visa without permission for paid activities b. Visitor visa with permission for paid activities c. Regional visitor visa d. Border worker visitor visa e. Visitor visa for humanitarian reasons f. Visitor visa for adoption purposes) 2. Temporary resident (a. Temporary residence visa b. Student temporary resident visa) and 3. Permanent residence visa a. Permanent resident.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52-55.

**How many categories?**

Answer: 3

Code: 3

Explanation: Yes, the 9 types are grouped in 3 general groups: 1. Visitor (a. Visitor visa without permission for paid activities b. Visitor visa with permission for paid activities c. Regional visitor visa d. Border worker visitor visa e. Visitor visa for humanitarian reasons f. Visitor visa for adoption purposes) 2. Temporary resident (a. Temporary residence visa b. Student temporary resident visa) and 3. Permanent residence visa a. Permanent resident.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52-55.

#### 4.1.2. Biometric information

### **IMMIGRATION\_3: Collection of biometric information.**

**Does the state collect biometric information from all citizens for example for passports?**

Answer: No

Code: 0

Explanation: No

Sources: Ley General de Población [General Population Law]. 1974 (2018). Art. 87-91.

**Does the state collect biometric information from immigrants for example for passports?**

Answer: No

Code: 0

Explanation: No

Sources: Ley General de Población [General Population Law]. 1974 (2018). Art. 87-91.

### **4.1.3. Visa waivers**

**IMMIGRATION\_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?**

Answer: Yes

Code: 1

Explanation: Yes. Besides the visa waivers based on unilateral or bilateral decisions, entry for asylum seekers, airline or ship crew and the like, there is a visa waiver for (low-skilled) visitors who intend to work at the Border (from Belize and Guatemala).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 37. / Secretaría de Relaciones Exteriores. "Personas exentas de presentación de visa para viajar a México [Persons Exempt from Presenting a Visa to Travel to Mexico]". Access date not available. <https://consulmex.sre.gob.mx/atlanta/index.php/visafee/247-personas-> / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014).

## **4.2. Documentation**

**IMMIGRATION\_5: Issue of legal compulsory identification documents.**

**Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?**

Answer: Yes

Code: 1

Explanation: Citizens: No, there is nothing said about this either in the Mexican Constitution or in the Civil Code. Migrants: Yes, but only migratory authorities can request to see them.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). / Código Civil Federal [Civil Federal Code]. 1928 (2010). / Ley de Migración [Migration Law]. 2011 (2018). Art. 16.

**Are they required to carry them at all times?**

Answer: Yes

Code: 1

Explanation: Citizens: No, there is nothing said about this either in the Mexican Constitution or in the Civil Code. Migrants: Yes, but only migratory authorities can request to see them.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). / Código Civil Federal [Civil Federal Code]. 1928 (2010). / Ley de Migración [Migration Law]. 2011 (2018). Art. 16.

### **4.3. Quotas and restrictions**

#### **4.3.1. General quota**

**IMMIGRATION\_6: General quota for immigration.**

**Is there a general quota (numerical limit) for immigration?**

Answer: No

Code: 1

Explanation: No. No such quota existed, but it could exist, as defined by the Law of Migration. In case it existed, the Ministry of Interior (in Mexico it is called Secretaría de Gobernación) would define it.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 18.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 4.3.2. Specific quotas

#### **IMMIGRATION\_7: Quota for high-skilled migrants.**

**Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?**

Answer: No

Code: 1

Explanation: No

Sources: Gobierno de México. "Obtención de permiso de trabajo para extranjeros residentes temporales en México [Obtaining Work Permits for Foreigners Temporary Residents in Mexico]". Access date not available. <http://www.gob.mx/tramites/ficha/obtencion-de-permiso-de-trabajo-para-extranjeros-residentes-temporales-en-mexico/INM795>.

#### **Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_8: Quota for low-skilled migrants.**

**Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: None found, neither in 2017, nor in 2019; quotas have never been actually published in the D.O.F. since the promulgation of the Law of Migration in 2011.

Sources: Gobierno de México. "Obtención de permiso de trabajo para extranjeros residentes temporales en México [Obtaining Work Permits for Foreigners Temporary Residents in Mexico]". Access date not available. <http://www.gob.mx/tramites/ficha/obtencion-de-permiso-de-trabajo-para-extranjeros-residentes-temporales-en-mexico/INM795>.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_9: Quota for refugees.**

**Is there a quota (numerical limit) on the number of refugees?**

Answer: No

Code: 1

Explanation: No. For the year 2017 there was no quota for the overall number of recognized refugees.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees and Complementary Protection]. 2012.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_10: Quota for co-ethnics.**

**Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: No.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

**Number of people that make up the quota:**

Answer: Not applicable



Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.3.3. List of excluded persons**

**IMMIGRATION\_11: Categories of excluded persons.**

**Are there categories of excluded persons from immigration?**

Answer: Yes

Code: 0

Explanation: Yes. Persons subject to “criminal proceedings or convicted of a felony in accordance with national laws in criminal matters or the provisions contained in international treaties and agreements to which Mexico is a party, or because of their background in Mexico or abroad could compromise national security or public safety”.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 43.

**List of categories of excluded persons:**

Answer: Criminal proceedings or convicted of a felony in accordance with national laws in criminal matters or the provisions contained in international treaties and agreements to which Mexico is a party, or because of their background in Mexico or abroad could compromise national security or public safety

Code: Criminal proceedings or convicted of a felony in accordance with national laws in criminal matters or the provisions contained in international treaties and agreements to which Mexico is a party, or because of their background in Mexico or abroad could compromise national security or public safety

Explanation: Persons subject to “criminal proceedings or convicted of a felony in accordance with national laws in criminal matters or the provisions contained in international treaties and agreements to which Mexico is a party, or because of their background in Mexico or abroad could compromise national security or public safety”.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 43.

### **4.3.4. List of excluded countries**

**IMMIGRATION\_12: Countries excluded.**

**Is there a list of countries whose nationals are banned for immigration in this country?**

Answer: No

Code: 1

Explanation: No excluded countries.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

**List of countries excluded:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **4.4. Policy incentives**

### **4.4.1. Recognized brokers**

**IMMIGRATION\_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):**

Answer: No

Code: 0

Explanation: No. Lawyers offer assistance commercially, but there is no system to certify them as migration brokers.

Sources: Consultoría Migratoria Abogados. "Abogados migratorios | Trámites migratorios en México [Migratory Lawyers | Migratory Procedures in Mexico]". Access date not available. <https://abogadosmigratoriosmexico.com/>.

**IMMIGRATION\_14. State offers pecuniary incentives to citizens willing to immigrate:**

Answer: No

Code: 0

Explanation: No such incentives exist.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

## 4.5. Immigration control and penalties

### 4.5.1. Irregular residence

**IMMIGRATION\_15: Illegal residence.**

**Is illegal residence in the country considered a criminal offense?**

Answer: No

Code: 1

Explanation: Irregular migration can only be an administrative fault and those who are in this situation must be respected their legal and human rights by the corresponding authorities. The law further states that “under no circumstances can an irregular situation configure by itself a criminal offense” (Art. 2).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 2 and 70.

**Is illegal residence considered an administrative offense?**

Answer: Yes

Code: 0

Explanation: Irregular migration can only be an administrative fault and those who are in this situation must be respected their legal and human rights by the corresponding authorities. The law further states that “under no circumstances can an irregular situation configure by itself a criminal offense” (Art. 2).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 2 and 70.

### 4.5.2. Forged documents

**IMMIGRATION\_16: Penalties for immigrants with forged documents.**

**Are there penalties for immigrants for forged documents?**

Answer: Yes

Code: 0

Explanation: Yes. Also, the cancellation of their temporary or permanent residence visa (Art. 64).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 64.

**Penalty is expulsion:**

Answer: Yes

Code: 2

Explanation: Yes. Penalty was expulsion. Also, the cancellation of their temporary or permanent residence visa (Art. 64).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 64.

**Penalty is a fine:**

Answer: No

Code: 1

Explanation: No. Also, the cancellation of their temporary or permanent residence visa (Art. 64).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 64.

**Penalty is detention:**

Answer: No

Code: 1

Explanation: No. Also, the cancellation of their temporary or permanent residence visa (Art. 64).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 64.

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: No. Also, the cancellation of their temporary or permanent residence visa (Art. 64).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 64.

**IMMIGRATION\_17: Penalties for immigrants with expired documents.**

**Are there penalties for immigrants with expired documents?**

Answer: Yes

Code: 0

Explanation: First, there are "verification visits" when authorities find out that the validity of documents has expired (Art. 92. II). If documents have indeed expired, the person can be detained and brought to the migration authorities (Art. 95). According to Art. 158 temporary or permanent residents who abstain from informing the institute about the change on their civil state, domicile, nationality or workplace, or do it extemporaneously can be charged a fine of 20 to 100 days of minimum wage, but

this is a different case. In the case of people with expired documents, they can ask for regularization according to Art. 132, if no more than 60 days after expiry have passed.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 92, 95, 132 and 158.

**Penalty is expulsion:**

Answer: No

Code: 1

Explanation: No. First, there are “verification visits” when authorities find out that the validity of documents has expired (Art. 92. II). If documents have indeed expired, the person can be detained and brought to the migration authorities (Art. 95). According to Art. 158 temporary or permanent residents who abstain from informing the institute about the change on their civil state, domicile, nationality or workplace, or do it extemporaneously can be charged a fine of 20 to 100 days of minimum wage, but this is a different case. In the case of people with expired documents, they can ask for regularization according to Art. 132, if no more than 60 days after expiry have passed.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 92, 95, 132 and 158.

**Penalty is a fine:**

Answer: No

Code: 1

Explanation: No. First, there are “verification visits” when authorities find out that the validity of documents has expired (Art. 92. II). If documents have indeed expired, the person can be detained and brought to the migration authorities (Art. 95). According to Art. 158 temporary or permanent residents who abstain from informing the institute about the change on their civil state, domicile, nationality or workplace, or do it extemporaneously can be charged a fine of 20 to 100 days of minimum wage, but this is a different case. In the case of people with expired documents, they can ask for regularization according to Art. 132, if no more than 60 days after expiry have passed.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 92, 95, 132 and 158.

**Penalty is detention:**

Answer: Yes

Code: Yes

Explanation: No. First, there are “verification visits” when authorities find out that the validity of documents has expired (Art. 92. II). If documents have indeed expired, the person can be detained and brought to the migration authorities (Art. 95). According to Art. 158 temporary or permanent residents who abstain from informing the institute about the change on their civil state, domicile, nationality or workplace, or do it extemporaneously can be charged a fine of 20 to 100 days of minimum wage, but this is a different case. In the case of people with expired documents, they can ask for regularization according to Art. 132, if no more than 60 days after expiry have passed.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 92, 95, 132 and 158.

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: No. First, there are “verification visits” when authorities find out that the validity of documents has expired (Art. 92. II). If documents have indeed expired, the person can be detained and brought to the migration authorities (Art. 95). According to Art. 158 temporary or permanent residents who abstain from informing the institute about the change on their civil state, domicile, nationality or workplace, or do it extemporaneously can be charged a fine of 20 to 100 days of minimum wage, but this is a different case. In the case of people with expired documents, they can ask for regularization according to Art. 132, if no more than 60 days after expiry have passed.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 92, 95, 132 and 158.

### 4.5.3. Aiding undocumented migrants

**IMMIGRATION\_18: Penalties for aiding undocumented migrants.**

**Are there penalties for aiding undocumented migrants?**

Answer: No

Code: 1

Explanation: No. “No penalty shall be imposed on persons of recognized moral solvency, who for strictly humanitarian reasons and without seeking any benefit, give help to the person who has entered the country in an irregular manner, even when they receive donations or resources for the continuation of their humanitarian work.” Only if it can be proved that this is an activity for profit (human trafficking/smuggling) will a criminal offense be registered and the person will be charged with prison or fine: “eight to sixteen years in prison and a fine of five thousand to fifteen thousand days of the general minimum wage in force in the Federal District”.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 159.

**Penalty is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.5.4. Employment obligations**

**IMMIGRATION\_19: Penalties for employers who hire migrant workers without a legal work permit.**

**Are there sanctions for employers hiring migrant workers without a legal work permit?**

Answer: No

Code: 1

Explanation: None found in the current migration law and regulations.

Sources: Ley de Migración [Migration Law]. 2011 (2018). / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014).

**Sanction is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.5.5. Landlord obligations**

**IMMIGRATION\_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.**

**Are there penalties for landlords who rent shelter to migrants without a regular migrant status?**

Answer: Yes

Code: 1

Explanation: Yes, but punishment only applies if it can be proved that the landlord received a profit (not humanitarian help), precisely: "Shelter or transport [migrants] through the national territory, in order to obtain directly or indirectly a profit, [and] in order to evade the immigration review" (Art. 159).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 159.

**Penalty is a fine:**

Answer: Yes

Code: 1

Explanation: The penalty is imprisonment of eight to sixteen years and a fine of 5000-15000 days of the general minimum wage in force in the Federal District.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 159.

**Penalty is imprisonment:**

Answer: Yes

Code: 1

Explanation: The penalty is imprisonment of eight to sixteen years and a fine of 5000-15000 days of the general minimum wage in force in the Federal District.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 159.

#### **4.5.6. Airline penalties**

**IMMIGRATION\_21: Penalties for airlines carrying immigrants without documentation.**

**Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?**

Answer: Yes

Code: 0

Explanation: Yes. They will be responsible for expenses incurred as a result of the return of passengers who are rejected due to lack of migratory documentation or have it irregular. Also, a "fine of twenty to one hundred days of the general minimum wage in force in the Federal District" (Art. 246).



Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 246.

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: Yes. They will be responsible for expenses incurred as a result of the return of passengers who are rejected due to lack of migratory documentation or have it irregular. Also, a “fine of twenty to one hundred days of the general minimum wage in force in the Federal District” (Art. 246).

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 246.

**Penalty is more than a fine:**

Answer: No

Code: 1

Explanation: No. They will be responsible for expenses incurred as a result of the return of passengers who are rejected due to lack of migratory documentation or have it irregular. Also, a “fine of twenty to one hundred days of the general minimum wage in force in the Federal District” (Art. 246).

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 246.

## **4.6. Amnesty programs**

**IMMIGRATION\_22: Existence of amnesty program.**

**In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?**

Answer: Yes

Code: 1

Explanation: There are the permanent regularization on a rolling basis and case by case regularization scheme existed in Mexico.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**The amnesty program is/was:**

Answer: Permanent (on a rolling basis)

Code: 3

Explanation: Amnesty program was permanent regularization scheme on a rolling basis.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**Being employed is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: Being employed of stay is specified as a condition to qualify for the amnesty program neither in the permanent regularization scheme nor in the case-by-case scheme.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**A given duration of stay is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: Duration of stay is specified as a condition to qualify for the amnesty program neither in the permanent regularization scheme nor in the case-by-case scheme.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**Having a certain nationality is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: Having a certain nationality is specified as a condition to qualify for the amnesty program neither in the permanent regularization scheme nor in the case-by-case scheme.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**Does a case by case regularization for irregular immigrants existed?**

Answer: Yes

Code: 1

Explanation: Yes case-by-case regularization existed.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**Being employed is a condition to qualify for the case by case regularization program:**

Answer: No

Code: 0

Explanation: Being employed of stay is specified as a condition to qualify for the amnesty program neither in the permanent regularization scheme nor in the case-by-case scheme.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**A given duration of stay is a condition to qualify for the case by case regularization program:**

Answer: No

Code: 0

Explanation: Duration of stay is specified as a condition to qualify for the amnesty program neither in the permanent regularization scheme nor in the case-by-case scheme.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**Having a certain nationality is a condition to qualify for the case by case regularization program:**

Answer: No

Code: 0

Explanation: Having a certain nationality is specified as a condition to qualify for the amnesty program neither in the permanent regularization scheme nor in the case-by-case scheme.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**Is regularization through marriage possible:**

Answer: Yes

Code: 1

Explanation: Yes, regularization through marriage was possible, because no proof of residence is required.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 144.

**IMMIGRATION\_23. The amnesty defines the types of irregular migrants as:**

Answer:

Code:

Explanation: Prove to be a spouse or concubine of a Mexican person or foreign person with resident's stay status; II. Prove to be a father, mother or child, or have the legal representation or custody of a Mexican person or foreigner with resident's stay condition; III. That the foreigner be identified by the Institute or by competent authority, as a victim or witness of a serious crime committed in national territory; IV. In the case of persons whose degree of vulnerability makes it difficult or impossible to deport them or (apply) assisted return, and V. In the case of children and adolescents who are subject to the procedure of Abduction and international restitution of children or adolescents (Art. 133). However, there is a permanent scheme for those that overstayed: "Having obtained authorization to enter the country on a regular basis, they have exceeded the period of the stay initially granted, as long as they submit their application within sixty days following the expiration of the period of authorized stay, or II. Perform activities other than those allowed by your stay status. (Art. 134)".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 133 and 134.

## **4.7. Administration**

**IMMIGRATION\_24\_1: Administration in charge of immigration regulation.**

**Which institution is in charge of immigration regulation (in original language)?**

Answer: Secretaría de Gobernación

Code: Secretaría de Gobernación

Explanation: The Ministry of Interior (Secretaría de Gobernación) is in charge of formulating and directing migration policy on the base of the principles established in Art. 2 of the Migration Law, at the national level.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 2.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Ministry of Interior

**IMMIGRATION\_24\_2: Administration in charge of implementing immigration policies.**

**Which institution is in charge of the implementation of immigration policies (in original language)?**

Answer: Secretaría de Gobernación

Code: Secretaría de Gobernación

Explanation: The Ministry of Interior (Secretaría de Gobernación) is in charge of formulating and directing migration policy on the base of the principles established in Art. 2 of the Migration Law, at the national level.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 2.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Ministry of Interior

**IMMIGRATION\_24\_3: Administration in charge of border control.**

**Which institution is in charge of border control (in original language)?**

Answer: Policía federal and Instituto Nacional de Migración

Code: Policía federal and Instituto Nacional de Migración

Explanation: The Federal Police and the National Institute for Migration (INM). This will foreseeably change with the publication of the Decree of Creation of the National Guard as of 27 May 2019, which will assist the INM in migration control. The National Guard will act in customs, tax precincts, customs sections, checkpoints or customs review points, in assistance and coordination with the authorities responsible for tax, naval or migration matters, in the terms of this Law and the applicable provisions (Art . 2, b), and "Carry out, in coordination with the National Institute of Migration, the inspection of the immigration documents of foreigners, in order to verify their regular stay, with the exception of the facilities for the international transit of people and, where appropriate, proceed to present those who are in an irregular situation for the purposes provided for in the law on the matter" (Art 9, XXXV).

Sources: Ley de la Policía Federal [Federal Police Law]. 2009 (2011). Art. 9. / Ley de Migración [Migration Law]. 2011 (2018). Art. 19 / Andrés Manuel López Obrador, Presidente de México, "Decreto por el que se expide la Ley de la Guardia Nacional," DOF 27/05/2019 § (2019), [https://www.dof.gob.mx/nota\\_detalle.php?codigo=5561285&fecha=27/05/2019](https://www.dof.gob.mx/nota_detalle.php?codigo=5561285&fecha=27/05/2019). Arts 2 (b) and 9 (XXXV)

**Which institution is in charge of border control (in English language)?**

Answer: Federal Police and the National Institute for Migration (INM)

**IMMIGRATION\_24\_4: Administration in charge of detentions.**

**Which institution is in charge of detentions (in original language)?**

Answer: Instituto Nacional de Migración

Code: Instituto Nacional de Migración

Explanation: The National Institute for Migration (INAMI).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 19.

**Which institution is in charge of detentions (in English language)?**

Answer: National Institute for Migration (INAMI)

## 4.8. Proxy: Labor migration (high- and low-skilled)

**IMMIGRATION\_25: Visas applied to labor migration.**

**Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?**

Answer: Yes

Code: 1

**Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?**

Answer: No

Code: 0

### 4.8.1. Domestic workers

**Is there a visa scheme (entry track) for domestic workers?**

Answer: No

Code: 0

Explanation: No specific track exists for domestic workers. No difference is made explicitly with regard to skill levels or occupation. Thus, depending on the length of the intended stay, it would be either the “visitor with permission to undertake paid activities” (for non-interrupted stays below 180 days), or “temporary resident” (between 180 days and 4 years). However, a requisite to acquire the latter is that the person has “sufficient economic solvency to cover the amount of accommodation and subsistence expenses during their stay in the national territory”. I first started applying the “visitor with permission to undertake paid activities” as the more appropriate track, but when I reached the questions on labor rights (possibility of changing jobs) I found out in the Migration Law (Art. 52, II) that this visa “authorizes the foreigner who has an employment offer with an invitation from some authority or academic, artistic, sports or cultural institution for which a remuneration is received in the country, or comes to perform a remunerated activity per seasonal season in virtue of the interinstitutional agreements concluded with foreign entities, to stay in the national territory for an uninterrupted time of hundred eighty days, counted from the date of entry”, which is also not appropriate for domestic workers. I then decided to apply N/A throughout for this proxy. My intuition is that the market needs for domestic workers are covered by Mexican workforce, so that there is realistically no procedure to get a visa for this kind of job as an immigrant. Below, some explanations in brackets [] and their corresponding references refer to my original application of the “visitante con permiso para realizar actividades remuneradas” card to the proxy.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 107.

**IMMIGRATION\_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in the explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_30: Restrictions based on age.**

**Are there age limits for migrant domestic workers in order to be admitted to the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_31. Is having a certain gender a requisite to be admitted to the country under the do-mestic worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_33. Do migrant domestic workers need to prove the ability to support themselves?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**IMMIGRATION\_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_36. How long is the domestic work permit valid for? Indicate the period in months.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_37. Is it possible to renew the work permit granted under the domestic worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_38: Possibility of changing jobs.**

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_41. Is a minimum level of education required to apply to the domestic entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_42. Is a test of good health required for migrant domestic worker?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **4.8.2. Agricultural workers**

**Is there a visa scheme (entry track) for agricultural workers?**

Answer: Yes

Code: 1

Explanation: No specific track exists for agricultural workers. No difference is made explicitly with regard to skill levels or occupation. Thus, depending on the length of the intended stay, it would be either the “visitor with permission to undertake paid activities” (for non-interrupted stays below 180 days), or “temporary resident” (between 180 days and 4 years). However, a requisite to acquire the latter is that the person has “sufficient economic solvency to cover the amount of accommodation and subsistence expenses during their stay in the national territory”, which is rather unlikely for agricultural workers. For the purposes of illustrating the track of Visitante trabajador fronterizo, which is how most agricultural workers from Guatemala and Belize enter the country in the South of Mexico (Campeche, Chiapas, Quintana Roo and Tabasco) to work in the agricultural sector (the most relevant migration for that purpose in the whole country), we will apply this “residence situation” (residence card; technically not a visa) to this proxy. \*\*In 2019, the Head of the INAMI Tonatiuh Guillén proposed to extend this card “Visitante Trabajador Fronterizo” for the nationals of Honduras and El Salvador, as well. He quit his post in June, after an international crisis arose with the USA after President Trump threatened Mexico with tariffs if it did not manage to curb migration and Mexico agreed to do this by deploying the National Guard to control migration.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 107. / Lineamientos para trámites y

**IMMIGRATION\_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: No mention of this either in the Ley de Migración or its Reglamento, and no mention in the websites that list requisites to obtain permits. For migrants between 16 and 18 they need to present an authorization of their legal custody that they may work in Mexico.

Sources: Ley de Migración [Migration Law]. 2011 (2018). / Gobierno de México. "Tarjeta de visitante trabajador fronterizo [Border Worker Visitor's Card]". Access date not available. <http://www.gob.mx/tramites/ficha/tarjeta-de-visitante-trabajador-fronterizo/INM275>.

**IMMIGRATION\_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?**

Answer: Yes, required

Code: 0.25

Explanation: Required for the visa de visitante con permiso para realizar actividades remuneradas, and even for the Tarjeta de visitante trabajador fronterizo that is available for Guatemalans and Belizeans to work in border states in the South of Mexico.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 115. / Gobierno de México. "Tarjeta de visitante trabajador fronterizo [Border Worker Visitor's Card]". Access date not available. <http://www.gob.mx/tramites/ficha/tarjeta-de-visitante-trabajador-fronterizo/INM275>.

**IMMIGRATION\_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No

Code: 1

Explanation: No. the authorities (Ministry of Interior together with the Ministry of work (Secretaría del Trabajo)) may impose a quota for visas to work by economic activity or by place of residence, but these have not been fixed.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 18.

**IMMIGRATION\_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).**

Answer: Yes

Code: 0.5

Explanation: Yes, to Belizeans and Guatemalans.

Sources: Gobierno de México. "Tarjeta de visitante trabajador fronterizo [Border Worker Visitor's Card]". Access date not available. <http://www.gob.mx/tramites/ficha/tarjeta-de-visitante-trabajador-fronterizo/INM275>.

#### **IMMIGRATION\_47: Restrictions based on age.**

##### **Are age limits for migrant agricultural workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: No; even 16 year old persons are admitted if they have the authorization of their legal custodians.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

##### **Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_48. Is having a certain gender a requisite to be admitted to the country under this entry track?**

Answer: No

Code: 1

Explanation: No. Having a certain gender was not a prerequisite to be admitted to the country under the agricultural worker entry track.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

#### **IMMIGRATION\_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No. Having a certain marital status was not a prerequisite to be admitted to the country under the agricultural worker entry track.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52.

**IMMIGRATION\_50. Do migrant agricultural workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No. Migrant agricultural workers need not to prove the ability to support themselves.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

**IMMIGRATION\_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No. There should be, in theory, a system of points that allows immigrants to access permanent residence without the previous 4 years of temporary residence, but this has not been set up. In that points system, speaking Spanish would be beneficial.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 54. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 124 and 125.

**IMMIGRATION\_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 18,01

Code: 18,01

Explanation: 18,01 USD (350,15 MXN) Visa for border worker: MXN\$350.15.

Sources: Ley Federal de Derechos [Federal Law of Rights]. 1981 (2016).

**IMMIGRATION\_53. How long is the work permit valid for? Indicate the period in months.**

Answer: 12

Code: 12

Explanation: One year. ("La tarjeta de visitante trabajador fronterizo se expedirá a nacionales guatemaltecos y beliceños por una temporalidad de un año").

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 155. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. 2012.

**IMMIGRATION\_54. Is it possible to renew the work permit granted under the agricultural worker entry track?**

Answer: Yes

Code: 1

Explanation: Yes. It is possible to renew the work permit.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012.

**IMMIGRATION\_55: Possibility of changing jobs.**

**Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?**

Answer: Yes

Code: 1

Explanation: Answering this for the Tarjeta de Trabajador Fronterizo visa]: they can switch employers [same for all proxies, as it is recognized that labour laws apply to all workers in Mexico disregarding their migration status], but not location beyond the regions to which they are admitted (border areas of Southern Mexico). However, they need to stay in the sector for which they are employed.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?**

Answer: No

Code: 0

Explanation: Answering this for the Tarjeta de Trabajador Fronterizo visa]: they can switch employers [same for all proxies, as it is recognized that labour laws apply to all workers in Mexico disregarding their migration status], but not location beyond the regions to which they are admitted (border areas of Southern Mexico). However, they need to stay in the sector for which they are employed.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?**

Answer: No

Code: 0

Explanation: Answering this for the Tarjeta de Trabajador Fronterizo visa]: they can switch employers [same for all proxies, as it is recognized that labour laws apply to all workers in Mexico disregarding their migration status], but not location beyond the regions to which they are admitted (border areas of Southern Mexico). However, they need to stay in the sector for which they are employed.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d.

**IMMIGRATION\_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?**

Answer: No

Code: 0

Explanation: This is not stated under the obligations of workers with the Tarjeta de Trabajador Fronterizo ("border worker card").

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 135.

**IMMIGRATION\_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: The Federal Law of Employment states very clearly that "no conditions can be established which imply discrimination among workers due to ethnic or national origin, gender, age, disability, social condition, health conditions, religion, migratory status, opinions, sexual preferences, marital status or any other that threatens human dignity" (Ley Federal del Trabajo, Art. 3). However, there is evidence that with regard to salary, border workers can be legally paid less than the minimum salary applicable by law in the region where they work. In that case they are exempted from the payment for the process to obtain their border worker card (visa) (INAMI 2014).

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 3. / Gobierno de México. "Establece INM acciones en beneficio de trabajadores fronterizos y ministros de culto [INM Establishes Actions for the Benefit of Border Workers and Ministers of Worship]". Accessed June 20, 2019. <http://www.gob.mx/inm/prensa/establece-inm-acciones-en-beneficio-de-trabajadores-fronterizos-y-ministros-de-culto>.

**IMMIGRATION\_58. Is a minimum level of education required to apply to the agricultural worker entry track?**

Answer: No

Code: 1



Explanation: No. No minimum level of education required to apply for the agricultural worker entry track.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 77.

#### **IMMIGRATION\_59. Is a test of good health required for migrant agricultural workers?**

Answer: No

Code: 1

Explanation: No. A test of good health was not required for migrant agricultural worker.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 107. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 41.

### **4.8.3. Medical doctors**

#### **Is there a visa scheme (entry track) for medical doctors?**

Answer: Yes

Code: 1

Explanation: No specific track exists for medical doctors. No difference is made explicitly with regard to skill levels or occupation. Thus, depending on the length of the intended stay, it would be either the “visitor with permission to undertake paid activities” (for non-interrupted stays below 180 days), or “temporary resident” (between 180 days and 4 years). A requisite to acquire the latter is that the person has “sufficient economic solvency to cover the amount of accommodation and subsistence expenses during their stay in the national territory”.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 52.

#### **IMMIGRATION\_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: No mention of this either in the Ley de Migración or its Reglamento, and no mention in the websites that list requisites to obtain permits.

Sources: Ley de Migración [Migration Law]. 2011 (2018). / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). / SEGOB. “Obtención de permiso de trabajo para extranjeros residentes temporales en México [Obtaining Work Permits for Foreigners Temporary Residents in Mexico]”. Access date not available. URL not available.

**IMMIGRATION\_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: Required for the visa de visitante con permiso para realizar actividades remuneradas.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 115.

**IMMIGRATION\_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?**

Answer: No

Code: 1

Explanation: No, the authorities (Ministry of Interior together with the Ministry of work (Secretaría del Trabajo)) may impose a quota for visas to work by economic activity or by place of residence, but these have not been fixed. On the other hand, there are numerical restrictions for firms/enterprises (which means also private hospitals): "In any company or establishment, the employer must employ ninety percent of Mexican workers, at least. In the categories of technicians and professionals, workers must be Mexican, unless they are not enough in a certain specialty, in which case the employer may temporarily employ foreign workers, in a proportion not exceeding ten percent of those in that specialty. The employer and the foreign workers will have the joint and several obligation of train Mexican workers in the specialty in question. Doctors at the service of Companies must be Mexican. The provisions of this article are Not applicable to directors, administrators and general managers" (Art. 7).

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 7.

**IMMIGRATION\_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No. The medical doctor entry track was not restricted to certain nationalities.

Sources: SEGOB. "Obtención de permiso de trabajo para extranjeros residentes temporales en México [Obtaining Work Permits for Foreigners Temporary Residents in Mexico]". Access date not available. URL not available.

**IMMIGRATION\_64: Restrictions based on age.**

**Are there age limits for migrant medical doctors to be admitted to the coun-try?**

Answer: No

Code: 1

Explanation: No.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No. Having a certain gender was not a requisite to be admitted to the country under the medical doctor entry track.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

**IMMIGRATION\_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No. Having a certain marital status was not a requisite to be admitted to the country under the medical doctor entry track.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 107.

**IMMIGRATION\_67. Do migrant medical doctors need to prove the ability to support themselves?**

Answer: Yes

Code: 0.5

Explanation: No. Medical doctors did not need to prove the ability to support themselves.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

**IMMIGRATION\_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No. There should be, in theory, a system of points that allows immigrants to access permanent residence without the previous 4 years of temporary residence, but this has not been set up. In that points system, speaking Spanish would be beneficial.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 54. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 109, 124 and 125.

**IMMIGRATION\_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 191.13

Code: 191.13

Explanation: 191,128 USD (3715,08 MXN).

Sources: Ley Federal de Derechos [Federal Law of Rights]. 1981 (2016).

**IMMIGRATION\_70. How long is the medical doctor work permit valid for? Indicate the period in months.**

Answer: 48

Code: 48

Explanation: 1-4 years depending on the request of the applicant; in case of job offer, it will depend on the validity of the offer. Extensions can be requested up to 4 years.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 17.

**IMMIGRATION\_71. Is it possible to renew the work permit granted under the medical doctor entry track?**

Answer: Yes

Code: 1

Explanation: yes, until the person completes four years from the date when they obtained the first permit. After this the person can change to a permanent residence permit.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 17.

## **IMMIGRATION\_72: Possibility of changing jobs.**

### **Is it possible for a migrant medical doctor to switch employers?**

Answer: Yes

Code: 1

Explanation: Yes, this applies to temporary residents who were accepted due to a job offer: they can switch employers, as well as location, but they must provide notification. With regards to sector or profession the rule is not clearly stated, but the law seems to impose a restriction: they are authorized to work “in the activity related to the employment offer/ en la actividad relacionada con dicha oferta de empleo” (Ley de Migración, Art. 52, VII). Being under work visas they have, however, to notify the authorities of changes within 90 days of the changes, with a format available online and a procedure that has no costs (Reglamento de la Ley de Migración, Art. 167).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 167.

### **Is it possible for a migrant medical doctor to switch professional sectors?**

Answer: Yes

Code: 1

Explanation: This applies to temporary residents who were accepted due to a job offer: they can switch employers, as well as location, but they must provide notification. With regards to sector or profession the rule is not clearly stated, but the law seems to impose a restriction: they are authorized to work “in the activity related to the employment offer/ en la actividad relacionada con dicha oferta de empleo” (Ley de Migración, Art. 52, VII). Being under work visas they have, however, to notify the authorities of changes within 90 days of the changes, with a format available online and a procedure that has no costs (Reglamento de la Ley de Migración, Art. 167).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 167.

### **Is it possible for a migrant medical doctor to switch locations?**

Answer: Yes

Code: 1

Explanation: Yes, this applies to temporary residents who were accepted due to a job offer: they can switch employers, as well as location, but they must provide notification. With regards to sector or profession the rule is not clearly stated, but the law seems to impose a restriction: they are authorized to work “in the activity related to the employment offer” (Ley de Migración, Art. 52, VII). Being under work visas they have, however, to notify the authorities of changes within 90 days of the changes, with

a format available online and a procedure that has no costs (Reglamento de la Ley de Migración, Art. 167).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 167.

**IMMIGRATION\_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?**

Answer: No

Code: 0

Explanation: This is not stated under the obligations of the temporary residents and seems only relevant in case they want to apply for an extension of their permit: "they will need to provide proof in letterhead paper from their employer about the continuity of their job with a specification of the period of validity of the employment.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d.

**IMMIGRATION\_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Yes, the Federal Law of Employment states very clearly that "no conditions can be established which imply discrimination among workers due to ethnic or national origin, gender, age, disability, social condition, health conditions, religion, migratory status, opinions, sexual preferences, marital status or any other that threatens human dignity" (Ley Federal del Trabajo, Art. 3).

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 3.

**IMMIGRATION\_75. Is a minimum level of education required to apply to the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No. There is no minimum level of education required to apply for the medical doctor entry track.

Sources: Reglamento de la Ley de Migración [Regulations of the Immigration Law]. 2012 (2014). Art. 107. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 41. / Lineamientos generales para la expedición de visas que emiten las secretarías de Gobernación y de Relaciones Exteriores [General Guidelines for the Issuance of Visas issued by the Ministries of the Interior and Foreign Affairs]. 2014.

#### **IMMIGRATION\_76. Is a test of good health required for migrant medical doctors?**

Answer: No

Code: 0

Explanation: No. A test of good health was not required.

Sources: Reglamento de la Ley de Migración [Regulations of the Immigration Law]. 2012 (2014). Art. 107. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 41. / Lineamientos generales para la expedición de visas que emiten las secretarías de Gobernación y de Relaciones Exteriores [General Guidelines for the Issuance of Visas issued by the Ministries of the Interior and Foreign Affairs]. 2014.

### **4.9. Proxy: Refugees**

#### **4.9.1. Existence of track**

#### **IMMIGRATION\_77. Does the country grant refugee status?**

Answer: Yes

Code: 1

Explanation: Yes. That is why the Ley sobre Refugiados, Protección Complementaria y Asilo Político de 2011/2014 exists. It is important to note that Mexico differentiates between asylum and refuge: In case of persecution for political reasons, everyone has the right to request asylum (political asylum); for humanitarian reasons, refuge will be received (Art. 11 of the Federal Constitution of the United States of Mexico with reforms until 2014).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). / Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 11.

#### **IMMIGRATION\_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?**

Answer: No

Code: 1

Explanation: No. Only refugees already recognized as such by a third country and received effective protection there, then the refugee will be expelled from the country. But there is no list of countries that being precedent in the arrival of asylum seekers will preclude them from requesting asylum.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 47.

#### **IMMIGRATION\_79: Safe countries of origin.**

**Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?**

Answer: No

Code: 1

Explanation: No. Nowhere in the law is a definition of list regarding safe countries of origin.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014).

#### **How many countries?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.9.2. Restrictions**

#### **IMMIGRATION\_80: Refugee status restricted for certain nationalities.**

**Is refugee status restricted to certain nationalities?**

Answer: No

Code: 1

Explanation: No. Nowhere in the law is a restriction to certain nationalities.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014).

#### **Which nationalities?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



## **IMMIGRATION\_81: Restrictions based on age.**

### **Are there age limits for potential refugees to be admitted to the country?**

Answer: No

Code: 1

Explanation: Children and adolescents have a “superior interest” as asylum seekers. The Migration Law clearly states that: “Article 74. When this is in the best interest of the foreign migrant girl, boy or adolescent who are unaccompanied, said child or adolescent will be provisionally documented as Visitor for Humanitarian Reasons in terms of article 52, fraction V, of this Law, while the Secretariat offers temporary or permanent legal or humanitarian alternatives to assisted return. In the Regulation, the procedure to be followed for the determination of the superior interest of the unaccompanied migrant girl, boy or adolescent”.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 20. / Ley de Migración [Migration Law]. 2011 (2018). Art. 74.

### **Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?**

Answer: Yes

Code: 0.5

Explanation: Children and adolescents have a “superior interest” as asylum seekers. The Migration Law clearly states that: “Article 74. When this is in the best interest of the foreign migrant girl, boy or adolescent who are unaccompanied, said child or adolescent will be provisionally documented as Visitor for Humanitarian Reasons in terms of article 52, fraction V, of this Law, while the Secretariat offers temporary or permanent legal or humanitarian alternatives to assisted return. In the Regulation, the procedure to be followed for the determination of the superior interest of the unaccompanied migrant girl, boy or adolescent”.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 20. / Ley de Migración [Migration Law]. 2011 (2018). Art. 74.

### **Below which age?**

Answer: Younger than 25 years

Code: 5

Explanation: Children and adolescents have a “superior interest” as asylum seekers. The Migration Law clearly states that: “Article 74. When this is in the best interest of the foreign migrant girl, boy or adolescent who are unaccompanied, said child or adolescent will be provisionally documented as Visitor for Humanitarian Reasons in terms of article 52, fraction V, of this Law, while the Secretariat offers temporary or permanent legal or humanitarian alternatives to assisted return. In the Regulation, the procedure to be followed for the determination of the superior interest of the unaccompanied migrant girl, boy or adolescent”.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 20. / Ley de Migración [Migration Law]. 2011 (2018). Art. 74.

#### **IMMIGRATION\_82. Is having a certain gender a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 59.

#### **IMMIGRATION\_83. Is having a certain marital status a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 59.

### **4.9.3. Place of application**

#### **IMMIGRATION\_84: Place of application**

**Can asylum seekers file an application for asylum from outside the destination country's territory?**

Answer: Yes

Code: 1

Explanation: Yes. Asylum seekers could file an application for asylum from outside the destination country's territory. The most common procedure is to request refuge in the territory in several points at the border and in other cities. Asylum seekers can apply for refugee status before the Mexican

Commission for Refugee Aid (COMAR) in Mexico City, Acayucan (Veracruz), Tenosique (Tabasco) or Tapachula (Chiapas), or the Immigration Regulatory Offices of the National Institute of Migration (INM) in the rest of the country within a period of 30 business days after their entry into Mexico. However, diplomatic asylum can also be requested at the Representations of the Mexican state abroad (Embassies, permanent missions and consular offices).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 14, 61 and 63. / Lineamientos para atender solicitudes de asilo y refugio [Guidelines for Handling Asylum and Refugee Claims]. 2016.

#### **Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?**

Answer: Yes

Code: 1

Explanation: Yes. Asylum seekers could file an application for asylum at the border/ports of entry of country's territory. The most common procedure is to request refuge in the territory in several points at the border and in other cities. Asylum seekers can apply for refugee status before the Mexican Commission for Refugee Aid (COMAR) in Mexico City, Acayucan (Veracruz), Tenosique (Tabasco) or Tapachula (Chiapas), or the Immigration Regulatory Offices of the National Institute of Migration (INM) in the rest of the country within a period of 30 business days after their entry into Mexico. However, diplomatic asylum can also be requested at the Representations of the Mexican state abroad (Embassies, permanent missions and consular offices).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 14, 61 and 63. / Lineamientos para atender solicitudes de asilo y refugio [Guidelines for Handling Asylum and Refugee Claims]. 2016.

#### **Can asylum seekers file an application for asylum on the destination country's territory?**

Answer: Yes

Code: 1

Explanation: Yes. Asylum seekers could file an application for asylum on the destination country's territory. The most common procedure is to request refuge in the territory in several points at the border and in other cities. Asylum seekers can apply for refugee status before the Mexican Commission for Refugee Aid (COMAR) in Mexico City, Acayucan (Veracruz), Tenosique (Tabasco) or Tapachula (Chiapas), or the Immigration Regulatory Offices of the National Institute of Migration (INM) in the rest of the country within a period of 30 business days after their entry into Mexico. However, diplomatic asylum can also be requested at the Representations of the Mexican state abroad (Embassies, permanent missions and consular offices).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 14, 61 and 63. / Lineamientos para atender solicitudes de asilo y refugio [Guidelines for Handling Asylum and Refugee Claims]. 2016.

#### **4.9.4. Permit validity**

**IMMIGRATION\_85. How long is the initial residence permit for recognized refugees valid for?**

Answer: Permanent

Code: 1

Explanation: It is permanent. The article 48 of the Refugee Law states "Refugees and foreigners who are granted complementary protection shall be granted permanent residence in the United Mexican States." (Ley sobre Refugiados...) The article 54 of the Migration Law states "Permanent resident status will be granted to foreigners located in any of the following assumptions: I. For reasons of political asylum, recognition of refugee status and protection..." (Ley de Migración...).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 48. / Ley de Migración [Migration Law]. 2011 (2018). Art. 54.

#### **IMMIGRATION\_86: Permit renewal.**

**Is it possible to renew a temporary residence permit?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible to apply for a permanent resident permit for recognized refugees?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?**

Answer: Yes

Code: 0

Explanation: Yes, but does not apply if the refugee can invoke serious reasons arising from the persecution for that he originally left his country of origin, or that he maintains a well-founded fear of persecution. Art. 33 of the Refugee Law states that: "The Secretariat will cease recognition of refugee status to a person who: I. Has voluntarily accepted the protection of the country from its nationality; II. Having lost his nationality, he regains it voluntarily; III. It has acquired a new nationality and enjoys the protection of the country from its new nationality; IV. It has been voluntarily established in the country that had left or outside of which there was remained in accordance with article 13 of this Law; V. The circumstances for which he was recognized as a refugee have disappeared and cannot continue refusing to benefit from the protection of the country from its nationality, or VI. Has no nationality and

the circumstances under which he was recognized disappear so that he is able to return to the country where he had his habitual residence. The recognition of refugee status will not cease in the cases included in the fractions V and VI, when the refugee can invoke serious reasons arising from the persecution for that he originally left his country of origin, or that he maintains a well-founded fear of persecution by some of the reasons contemplated in article 13 of this Law. A process to “cease” the recognition of a refugee status can be initiated when the refugee travels to the country of origin and notifies it to the COMAR, according to the Reglamento regulating the Refugee Law.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 33. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 94.

#### **4.9.5. Maximum timeframe for application resolution**

**IMMIGRATION\_88: Timeframe for resolution.**

**Is there a maximum of days to process the application of asylum seekers?**

Answer: Yes

Code: 1

Explanation: Yes, according to Art. 45 of the Reglamento de la Ley sobre Refugiados y Protección Complementaria, the coordination (Coordinación General de la Comisión Mexicana de Ayuda a Refugiados, COMAR) shall resolve each request for recognition of the status of refugee, within 45 business days from the date of admission.

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 45. / Asylum Access. “El derecho al trabajo de las personas solicitantes de asilo y refugiadas en América Latina y el Caribe [The Right to Work of Asylum Seekers and Refugees in Latin America and the Caribbean]”. Access date not available. <https://asylumaccess.org/wp-content/uploads/2018/06/Derechos-Laborales-Refugiadas-en-America-Latina-y-el-Caribe-final-ESP.pdf>.

**What is the maximum of days?**

Answer: 45

Code: 45

Explanation: Yes, according to Art. 45 of the Reglamento de la Ley sobre Refugiados y Protección Complementaria, the coordination (Coordinación General de la Comisión Mexicana de Ayuda a Refugiados, COMAR) shall resolve each request for recognition of the status of refugee, within 45 business days from the date of admission.

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 45. / Asylum Access. “El derecho al trabajo de las personas solicitantes de asilo y refugiadas en América Latina y el Caribe [The Right to Work of Asylum Seekers and Refugees in Latin America and the Caribbean]”. Access date not available. <https://asylumaccess.org/wp-content/uploads/2018/06/Derechos-Laborales-Refugiadas-en-America-Latina-y-el-Caribe-final-ESP.pdf>.

#### 4.9.6. Possibility to change migratory status

**IMMIGRATION\_89. If an application on refugee status is rejected, does the applicant have the right to appeal?**

Answer: Yes

Code: 1

Explanation: Yes. According to the article 59 of the Refugee Law “Against the refusal of recognition of refugee status, of cessation, of cancellation, revocation or withdrawal of complementary protection, of refusal of authorization for family reunification, as well as the opinion on the effective protection referred to Article 91 of this Regulation, the appeal for review is appropriate.”

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 59.

**IMMIGRATION\_90. Is it possible for recognized refugees to change their migratory status?**

Answer: Yes

Code: 1

Explanation: Yes, it is possible. Art. 88 of the Reglamento de la Ley sobre Refugiados... states that: "Refugees and foreigners who have been granted protection Complementary and that they were in a diverse immigration situation, they may request from the Institute their change of quality or condition of stay. For this purpose, the Coordination will issue a record in which specify date of recognition as a refugee or of the granting of complementary protection. " (Reglamento de la Ley sobre Refugiados...) This is important even if refugees get permanent residence, as they are vulnerable to lose that status if the conditions that originated their flight solve in their countries. This possibility to change status allows them to stay by entering the temporary residence track.

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 88. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012.

#### 4.9.7. Detention

**IMMIGRATION\_91: Detention**

**Are asylum seekers detained while their claims are being processed?**

Answer: No

Code: 4

Explanation: No. The Law of Migration states that they receive a Humanitarian visitor permit (visa de visitante por razones humanitarias) with which they must not remain in detention. VISITOR FOR

**HUMANITARIAN REASONS.** This condition of stay will be authorized for foreigners who are in any of the following cases (...): c) Be a political asylum seeker, of recognition of refugee status or complementary protection to the Mexican State, as long as its immigration status is not resolved. If the request is positive, they will be granted permanent resident status, in terms of article 54 of this Law. Also the article 63 of the migration law states: "The immigration authority may authorize for humanitarian reasons by means of a duly founded and motivated internment certificate, the entry of foreign persons who do not meet any of the internment requirements and who are located in any of the following cases: I. To be an applicant for the status of refugee, asylum seeker or who needs to initiate a stateless determination procedure... (Art. 63)". Since 2017 implementation is in open contradiction to these norms, as there is no guarantee for persons who want to seek humanitarian protection, that they will not be detained and deprived of their liberty in detention centers or "estaciones migratorias". A report by the Citizen Council of the National Migration institute found in 2017 that: Admission to detention centers constitutes the norm of treatment for persons identified in irregular immigration status, and not the exception. 12. It was found that no evaluation procedure for alternatives to detention is applied at the time of admission. Circumstances such as need for protection, possibilities of regularization or respect for the principle of non-refoulement are not evaluated. [...] the presence of persons seeking asylum in these centers was verified." The same report recommended to "avoid at all times the detention of asylum seekers, referring them to open-door reception courses.

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 63. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). / Consejo Ciudadano del Instituto Nacional de Migración. "Personas en detención migratoria en México - Misión de monitoreo de estaciones migratorias y estancias provisionales del Instituto Nacional de Migración [Persons in Migratory Detention in Mexico - Mission of Monitoring of Migratory Stations and Provisional Stays of the National Institute of Migration]". Acces date not available.  
[https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT\\_CESCR\\_CSS\\_MEX\\_28755\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT_CESCR_CSS_MEX_28755_S.pdf).

### **Are asylum seekers detained after their claims are processed?**

Answer: No

Code: 2

Explanation: No. The Law of Migration states that they receive a Humanitarian visitor permit (visa de visitante por razones humanitarias) with which they must not remain in detention. VISITOR FOR HUMANITARIAN REASONS. This condition of stay will be authorized for foreigners who are in any of the following cases (...): c) Be a political asylum seeker, of recognition of refugee status or complementary protection to the Mexican State, as long as its immigration status is not resolved. If the request is positive, they will be granted permanent resident status, in terms of article 54 of this Law. Also the article 63 of the migration law states: "The immigration authority may authorize for humanitarian reasons by means of a duly founded and motivated internment certificate, the entry of foreign persons who do not meet any of the internment requirements and who are located in any of the following cases: I. To be an applicant for the status of refugee, asylum seeker or who needs to initiate a stateless determination procedure... (Art. 63)". Since 2017 implementation is in open contradiction to these norms, as there is no guarantee for persons who want to seek humanitarian protection, that they will not be detained and deprived of their liberty in detention centers or "estaciones migratorias". A report by the Citizen Council of the National Migration institute found in 2017 that: Admission to detention centers constitutes the norm of treatment for persons identified in irregular immigration status, and not the exception. 12. It was found that no evaluation procedure for alternatives to detention is applied at the time of admission. Circumstances such as need for protection, possibilities of regularization or respect for the principle of non-refoulement are not evaluated. [...] the presence of persons seeking asylum in these centers was verified." The same report recommended to "avoid at all times the detention of asylum seekers, referring them to open-door reception courses.

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 63. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). / Consejo Ciudadano del Instituto Nacional de Migración. "Personas en detención migratoria en México - Misión de monitoreo de estaciones migratorias y estancias provisionales del Instituto Nacional de Migración [Persons in Migratory Detention in Mexico - Mission of Monitoring of Migratory Stations and Provisional Stays of the National Institute of Migration]". Acces date not available.  
[https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT\\_CESCR\\_CSS\\_MEX\\_28755\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT_CESCR_CSS_MEX_28755_S.pdf).

#### **4.9.8. Status after rejection**

##### **IMMIGRATION\_92. What is the status of asylum seekers whose applications are rejected?**

Answer: Issued a temporary certificate and possibility of applying to other visa

Code: 3

Explanation: First, it must be determined if the person requires complementary protection if they need protection from being returned to the country or origin or another where her life is at risk or there are good reasons to think that would be in danger of torture or other maltreatments or harsh, denigrating or inhuman punishments. Article 48 of the regulations of the Refugee Law states: "The Coordination may grant complementary protection to the foreigner who, not being within the assumptions of article 13 of the Law, requires protection not to be returned to the territory of another country where your life is in danger or where there are good reasons to believe that would be in danger of being subjected to torture or other cruel, inhuman or degrading treatment or punishment, in accordance with the provisions of article 28 of the Law. The granting of complementary protection may only be considered once it has been determined the non-recognition of refugee status." If this is also denied, the applicant can ask for a revision of the process.

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 47.

##### **IMMIGRATION\_93. Do asylum seekers have the possibility to work during the process of application?**

Answer: Yes

Code: 1

Explanation: Art. 164 of the Reglamento de la Ley sobre Refugiados y Protección Complementaria 2011/2012 states that: "The holders of the conditions of stay of visitor for humanitarian reasons and permanent resident implicitly have a work permit.

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 164.

#### **4.9.9. Translation and interpretation**



**IMMIGRATION\_94. Does the state provide official translation or interpretation for the process of asylum seekers?**

Answer: Yes

Code: 1

Explanation: Yes. Art 14 of the Migration Law states: “When the migrant, regardless of their immigration status, does not speak or does not understand the Spanish language, a translator or interpreter who has knowledge of their language will be appointed ex officio to facilitate communication. When the migrant is deaf and can read and write, he will be interrogated in writing or through an interpreter. Otherwise, a person who can understand will be designated as interpreter. (Art. 14).

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 14.

## **4.10. Proxy: Co-ethnics**

### **4.10.1. General**

**IMMIGRATION\_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).**

**Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?**

Answer: No

Code: 0

Explanation: No. Some preferential rules exist for Latin Americans and Iberians, but only for naturalization purposes – not for immigration. According to Art. 20 of the Ley de Nacionalidad de 1998/2012 (Nationality Law), citizens from any Latin American country or the Iberian Peninsula must only wait 2 years (not the general 5) as residents in Mexico to apply for naturalization, which is the same treatment given to persons who are linear descendants of Mexicans by birth.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 20.

**IMMIGRATION\_96. Register the name of the group(s).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.2. Reasons for co-ethnicity**

##### **IMMIGRATION\_97. Reasons for co-ethnicity.**

###### **Shared language:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

###### **Shared religion:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

###### **Shared ancestry:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

###### **Citizen of former colony:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

###### **Ill treatment by country in the past:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Self-declaration: avowal to be of country's ethnicity:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Other:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_98. May converts apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**4.10.3. Language test**

**IMMIGRATION\_100. What is the required level of language skills?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.4. Place of residence**

**IMMIGRATION\_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.5. Place of application**

**IMMIGRATION\_102. Place of application.**

**Can applicants file an application from outside the territory of the host country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can applicants file an application on host country's territory?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.6. Date of birth**

**IMMIGRATION\_103. Do applicants need to be born before or after a certain date to be eligible?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.7. Permit validity**

**IMMIGRATION\_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_105. Permit renewal.**

**Is it possible to renew a temporary residence permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible to apply for a permanent resident permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



## 5. Immigrant policies

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### 5.1. Permanent residence

#### 5.1.1. Eligibility

##### **IMMIGRANT\_1: General existence of a permanent residence scheme.**

Answer: Yes

Code: 1

Explanation: According to Article 40 of the Migration Law "Foreigners who intend to enter the country must present one of the following types of visa [...] VI. Permanent residence visa, which authorizes the foreigner to appear in any place for the international transit of people and request their entry into national territory, in order to remain indefinitely.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 40.

##### **IMMIGRANT\_2: Existence of a permanent residence scheme for different proxies.**

###### **Do asylum seekers have access to permanent residence?**

Answer: No

Code: 0

Explanation: No. They must first be recognized as refugees or persons with complementary protection first. If they are applicants for asylum and the process is not resolved, they get a card as visitors for humanitarian reasons.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

###### **Do refugees have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Yes. If the process of recognition of their status as refugees has concluded, they obtain permanent residence.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 59.

###### **Do co-ethnics have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do domestic workers have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do agricultural workers have access to permanent residence?**

Answer: No

Code: 0

Explanation: No. The only way for them to access PR would be to first become temporary residents and then reside in Mexico for four years, being able to prove also economic solvency, or through documenting familial links to a Mexican or PR holder or being pensioners, and pay rights (4,828 MXN as of 2018).

Sources: Gobierno de México. "Visa de residencia permanente [Permanent Resident Visa]". Accessed July, 2019. <http://www.gob.mx/sre/acciones-y-programas/visa-de-residencia-permanente>. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 44.

### **Do medical doctors have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: The Ley de Migración, its Reglamento and Lineamientos (Law, Regulations and Guidelines for implementation, respectively; all legislative documents all mention the possibility of acquiring immediately PR for people who enter through the "point system" by having demonstrated that they meet its requisites; however the administrative indicators and requisites to implement it have not been published as of 2019, so this is not practically possible and not even in paper it is clear how it would function, although it is clearly a scheme to gain highly qualified immigrants. As the Reglamento states in its Art. 124: "The points system so that foreigners can acquire permanent residence will establish selection criteria to attract foreign investors or people with high competence in areas such as science, technology, sports, humanities and arts or those that strengthen and promote development and competitiveness in the national territory." In the absence of such administrative specifications of the points system, the rule that applies is to first become temporary residents and then reside in Mexico for four years, being able to prove also economic solvency, or through documenting familial links to a Mexican or PR holder or being pensioners, and pay rights (4,828 MXN as of 2018). The Secretariat through the Points System will allow foreigners to acquire permanent residence in the country. This system should consider at least the following: I. The criteria for entry through the points system, taking into account the provisions of article 18, section II of this Law for the establishment of quotas for the entry of foreigners into the national territory; II. The capacities of the applicant taking



into account, among other aspects, the educational level; work experience; the skills in areas related to the development of science and technology; international recognition, as well as the skills to develop activities that the country requires, and III. The procedure to request entry by said means.

Sources: Ley de Migración [Migration Law]. 2011 (2016). / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 124.

### **IMMIGRANT\_3: Required time of habitual residence.**

#### **How many months of habitual residence are required from asylum seekers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **How many months of habitual residence are required from refugees for accessing permanent residence?**

Answer: 0

Code: 0

Explanation: They get permanent residence immediately upon recognition of their status.

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 59.

#### **How many months of habitual residence are required from co-ethnics for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **How many months of habitual residence are required from domestic workers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from agricultural workers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from medical doctors for accessing permanent residence?**

Answer: 48

Code: 48

Explanation: four years (or theoretically immediately in the case of having met requirements of the points system – not in application).

Sources: Gobierno de México. "Visa de residencia permanente [Permanent Resident Visa]". Accessed July 2019. <http://www.gob.mx/sre/acciones-y-programas/visa-de-residencia-permanente>. / SEGOB. "Cambio de residente temporal a residente permanente [Change from Temporary Resident to Permanent Resident]". Access date not available. <http://www.gob.mx/tramites/ficha/cambio-de-residente-temporal-a-residente-permanente/INM823>.

**IMMIGRANT\_4: Periods of absence allowed.**

**Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: no limit specified.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014).

**Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that**

**non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: No limit specified.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014).

#### **IMMIGRANT\_5. Result of a regularization process.**

**The regularization process leads to:**

Answer: no answer

Code: Not applicable

Explanation: A particular condition is not prescribed for all, and it is decided case-by-case. It depends on the circumstances of the person (personal circumstances, risk or danger, gender, age, having overstayed a permit, having been held for more than 60 working days in a migratory station, etc).

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 133 and 134. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 44.

#### **IMMIGRANT\_6: Language test.**

**Is there a language requirement for asylum seekers to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for refugees to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for domestic workers to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for medical doctors to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012.

**IMMIGRANT\_7: Economic resources.**

**Is there an economic resources requirement for applying to permanent residence for asylum seekers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for refugees?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: No. "Artículo 139. La condición de estancia de residente permanente prevista en el artículo 52, fracción IX, de la Ley se otorgará a la persona extranjera que demuestre alguno de los siguientes supuestos: I. Tener reconocimiento de la condición de refugiado, otorgamiento de protección complementaria, asilo político o determinación de apátrida en términos de la legislación en la materia [...]".

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 139.

**Is there an economic resources requirement for applying to permanent residence for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for domestic workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for agricultural workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for medical doctors?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: No, if it is accessing it after 4 years of temporary residence. If the points system was in place already, they would access it without previous temporary residence, but they would be required to present proof of economic means, according to Art. 57 of the Ley de Migración.

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 57.

#### **IMMIGRANT\_8: Cost of application.**

**What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?**

Answer: 6381

Code: 6381

Explanation: To initiate the process: 1325 MXN as of 2019. This is roughly 69 USD in July 2019. If residence is granted: 5056 MXN as of 2019. This is roughly 260 USD in July 2019.

Sources: Gobierno de México. "Requisitos y trámite visa residencia permanente [Permanent Residency Visa Requirements and Procedures]". Accessed August 2, 2019. <http://www.gob.mx/tramites/ficha/cambio-de-residente-temporal-a-residente-permanente/INM823>. / Gobierno de México. "Preguntas frecuentes para solicitar el cambio de residente temporal a residente permanente [Frequently Asked Questions for Applying to Change from Temporary to Permanent Resident]". Accessed August 2, 2019. <http://www.gob.mx/inm/documentos/preguntas-frecuentes-para-solicitar-el-cambio-de-residente-temporal-a-residente-permanente>.

**What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?**

Answer: 329

Code: 329

Explanation: To initiate the process: 1325 MXN as of 2019. This is roughly 69 USD in July 2019. If residence is granted: 5056 MXN as of 2019. This is roughly 260 USD in July 2019.

Sources: Gobierno de México. "Requisitos y trámite visa residencia permanente [Permanent Residency Visa Requirements and Procedures]". Accessed August 2, 2019. <http://www.gob.mx/tramites/ficha/cambio-de-residente-temporal-a-residente-permanente/INM823>. / Gobierno de México. "Preguntas frecuentes para solicitar el cambio de residente temporal a residente permanente [Frequently Asked Questions for Applying to Change from Temporary to Permanent Resident]". Accessed August 2, 2019. <http://www.gob.mx/inm/documentos/preguntas-frecuentes-para-solicitar-el-cambio-de-residente-temporal-a-residente-permanente>.

#### **IMMIGRANT\_9: Employer sponsorship.**

**Do asylum seekers have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do co-ethnics have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have to be sponsored by an employer?**



Answer: no, sponsorship is not required

Code: 1

Explanation: No. There is no provision on this in the Guidelines for the implementation of the Migration Law and its Regulation.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012.

### 5.1.2. Security of status

**IMMIGRANT\_10: Maximum length of application procedure.**

**Maximum length of application procedure for asylum seekers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for asylum seekers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees in months:**

Answer: 998

Code: 998

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for co-ethnics in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for co-ethnics:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for agricultural workers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for agricultural workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for medical doctors in months:**

Answer: 1

Code: 1

Explanation: 10-20 working days, depending on whether it is requested in Mexico or in a consulate. Arts. 128 and 129 of the Ley de Migración state: "Article 128. The immigration authority shall issue a resolution in the immigration procedures within a period not exceeding twenty business days from the date on which the applicant complies with all the formal requirements required by this Law, its Regulations and other applicable administrative provisions. After this period has elapsed without the resolution being issued, it will be understood that it is in the negative sense. If the individual requires it, the authority will issue proof of such fact, within two business days following the submission of the request for issuance of the said certificate. Article 129. Visa issuance applications submitted to consular offices must be resolved within ten business days".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 128 and 129. / Gobierno de México. "Preguntas frecuentes para solicitar el cambio de residente temporal a residente permanente [Frequently Asked Questions for Applying to Change from Temporary to Permanent Resident]". Accessed August 2, 2019. <http://www.gob.mx/inm/documentos/preguntas-frecuentes-para-solicitar-el-cambio-de-residente-temporal-a-residente-permanente>.

**Maximum length of application procedure for medical doctors:**

Answer: less than six months

Code: 1

Explanation: 10-20 working days, depending on whether it is requested in Mexico or in a consulate. Arts. 128 and 129 of the Ley de Migración state: "Article 128. The immigration authority shall issue a resolution in the immigration procedures within a period not exceeding twenty business days from the date on which the applicant complies with all the formal requirements required by this Law, its Regulations and other applicable administrative provisions. After this period has elapsed without the resolution being issued, it will be understood that it is in the negative sense. If the individual requires it, the authority will issue proof of such fact, within two business days following the submission of the request for issuance of the said certificate. Article 129. Visa issuance applications submitted to consular offices must be resolved within ten business days".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 128 and 129. / Gobierno de México. "Preguntas frecuentes para solicitar el cambio de residente temporal a residente permanente [Frequently Asked Questions for Applying to Change from Temporary to Permanent Resident]". Accessed August 2, 2019. <http://www.gob.mx/inm/documentos/preguntas-frecuentes-para-solicitar-el-cambio-de-residente-temporal-a-residente-permanente>.

#### **IMMIGRANT\_11: Grounds for rejection.**

**Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:**

Answer: no

Code: 0

Explanation: No. Not fulfilling the original conditions that were required to access original permit is not grounds for PR rejection According to the Article 43 of the migration Law: "Without prejudice to the provisions of article 42 of this ordinance, immigration authorities may deny the issuance of a visa, regular admission to national territory or their stay to foreigners who are located in any of the following cases: I. Being subject to criminal proceedings or having been convicted of a felony according to national laws in criminal matters or the provisions contained in international treaties and conventions to which the Mexican State is a party, or that due to its background in Mexico or in the foreigner could compromise national security or public safety; II. When they do not comply with the requirements established in this Law, its Regulations and other applicable legal provisions; III. When you doubt the authenticity of the documents or the veracity of the elements provided; IV. Be subject to express prohibitions of competent authority, or V. Other legal provisions provide".

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 43.

#### **IMMIGRANT\_12: Legal guarantees.**

**Rejection of applications must be reasoned:**

Answer: yes

Code: 1

Explanation: Yes. According to the articles 11, 12, 40 and 70 of the Migration Law: "In any case, regardless of their immigration status, migrants will have the right to the procurement and delivery of justice, respecting at all times the right to due process, as well as to submit complaints regarding human rights, in accordance with the provisions contained in the Constitution and other applicable laws. [...] Migrants, regardless of their immigration status, will have the right to recognition of their legal personality, in accordance with the provisions of the Constitution and the international treaties and conventions to which the Mexican State is a party". (Arts. 11 and 12). "The consular office may request the Institute to reconsider the authorization if in its opinion the applicant does not comply with the requirements established in this Law, its Regulations and other applicable legal provisions" (Art. 40)." "All migrants have the right to be assisted or legally represented by the person they designate during the administrative migration procedure. The Institute may conclude the collaboration agreements that are required and establish facilities for civil society organizations to offer legal advice and representation services to migrants in an irregular migration situation to whom an administrative migration procedure has been initiated. During the administrative migration procedure, migrants will be entitled to due process, which consists in the procedure being substantiated by the competent authority; the right to offer evidence and to allege what is convenient for them, to have access to the records of the immigration administrative file; to have a translator or interpreter to facilitate

communication, in case you do not speak or understand Spanish and if the authority's resolutions are duly founded and motivated. (Art. 70)".

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 11, 12, 40 and 70.

### **Rejected applicants have the right to appeal:**

Answer: yes

Code: 1

Explanation: Yes. According to the articles 11, 12, 40 and 70 of the Migration Law: "In any case, regardless of their immigration status, migrants will have the right to the procurement and delivery of justice, respecting at all times the right to due process, as well as to submit complaints regarding human rights, in accordance with the provisions contained in the Constitution and other applicable laws. [...] Migrants, regardless of their immigration status, will have the right to recognition of their legal personality, in accordance with the provisions of the Constitution and the international treaties and conventions to which the Mexican State is a party". (Arts. 11 and 12). "The consular office may request the Institute to reconsider the authorization if in its opinion the applicant does not comply with the requirements established in this Law, its Regulations and other applicable legal provisions" (Art. 40)." "All migrants have the right to be assisted or legally represented by the person they designate during the administrative migration procedure. The Institute may conclude the collaboration agreements that are required and establish facilities for civil society organizations to offer legal advice and representation services to migrants in an irregular migration situation to whom an administrative migration procedure has been initiated. During the administrative migration procedure, migrants will be entitled to due process, which consists in the procedure being substantiated by the competent authority; the right to offer evidence and to allege what is convenient for them, to have access to the records of the immigration administrative file; to have a translator or interpreter to facilitate communication, in case you do not speak or understand Spanish and if the authority's resolutions are duly founded and motivated. (Art. 70)".

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 11, 12, 40 and 70.

### **IMMIGRANT\_13: Expulsion is precluded for victims of violence or crime.**

#### **Expulsion is precluded for immigrants of all categories who are victims of violence or crime:**

Answer: yes

Code: 1

Explanation: Yes. Persons who are victims of a criminal offense in Mexico are given a residence card of visitor for humanitarian reasons. According to the Article 52 of the Migration Law: "Visitor for humanitarian reasons. This condition of stay will be authorized for foreigners who are in any of the following cases: Being offended, victim or witness of any crime committed in national territory (...) regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and independently of the family relationship between the perpetrator and the victim. The offended, victim or witness of a crime who is authorized to stay as a Visitor for Humanitarian Reasons, will be authorized to remain in the country until the process is completed, at the end of which they must leave the country or request a new condition of stay, with the right to enter and leave the country as many times as desired and with permission to work in exchange for remuneration in the country. Subsequently, the person can request the permanent resident status " (Art. 52, V, of the Ley de Migración 2011/2016)".

Sources: Ley de Migración [Migration Law]. 2011 (2016). Art. 52.

## 5.2. Policies of representation

### IMMIGRANT\_14: Regulation of electoral rights.

**Subnational electoral rights can be regulated at the subnational level:**

Answer: yes

Code: 1

Explanation: Yes, but with restrictions: there are minimal rules that all states must abide to. One of them is that to vote citizenship is required. This, in turn, is based on nationality and nationality is defined by the federal level. Only Mexican nationals can be citizens.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 34, 35 and 116.

### 5.2.1. Electoral rights

#### IMMIGRANT\_15: Voting eligibility for non-citizens.

**Does the country have presidential elections?**

Answer: yes

Code: 1

**Does the country have a bicameral system (composed of a Lower House and an Upper House)?**

Answer: yes

Code: 1

**Can non-citizen residents vote in national presidential elections?**

Answer: generally disenfranchised

Code: 0

Explanation: Art. 34 and 35 of the Constitution establish that only Mexican citizens can vote in national elections.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 34 and 35.

**Can non-citizen residents vote in national legislative elections (Lower House)? :**

Answer: generally disenfranchised

Code: 0

Explanation: Art. 34 and 35 of the Constitution establish that only Mexican citizens can vote in national elections.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 34 and 35.

**Can non-citizen residents vote in national legislative elections (Upper House)?**

Answer: generally disenfranchised

Code: 0

Explanation: Art. 34 and 35 of the Constitution establish that only Mexican citizens can vote in national elections.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 34 and 35.

**IMMIGRANT\_16: Residence duration-based requirements for active electoral rights.**

**Previous residence required for being eligible to vote in presidential elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in Lower House elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in Upper House elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRANT\_17: Registration in the electoral roll for non-citizen residents.**

##### **Registration in the electoral roll for non-citizen residents:**

Answer: Not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRANT\_18: Passive electoral rights for non-citizen residents.**

##### **Can non-citizen residents stand as candidates in national presidential elections?**

Answer: generally disenfranchised

Code: 0

Explanation: Arts. 82 and 329 of the Constitution establish that only Mexican citizens can be candidates in national elections.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 82 and 329.

##### **Can non-citizen residents stand as candidates in national legislative elections (Lower House)?**

Answer: generally disenfranchised

Code: 0

Explanation: Arts. 82 and 329 of the Constitution establish that only Mexican citizens can be candidates in national elections.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 82 and 329.

##### **Can non-citizen residents stand as candidates in national legislative elections (Upper House)?**

Answer generally disenfranchised

Code: 0

Explanation: Arts. 82 and 329 of the Constitution establish that only Mexican citizens can be candidates in national elections.



Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 82 and 329.

**IMMIGRANT\_19: Residence duration-based restrictions for passive electoral rights.**

**Previous residence required for being eligible to stand as candidate in presidential elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to stand as candidate in Lower House elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **5.2.2. Regulation of participation in parties**

**IMMIGRANT\_20: Emigrant membership to home country political parties.**

**Non-citizen resident membership to state or reception political parties:**

Answer: no answer

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **5.2.3. Consultative bodies**

**IMMIGRANT\_21: Existence of a consultative body of immigrants acting at the national level.**

**Existence of a consultative body on immigrant issues:**

Answer: yes

Code: 1

Explanation: Since 2012 an agreement instituted a Citizen Council of the National Institute of Migration (Consejo Ciudadano del Instituto Nacional de Migración, CCINM ) to be integrated by 13 counsellors, with the Commissioner of the INM as its technical secretary. It dictates its own working guidelines. This is different to the Consejo Consultivo de Política Migratoria de la Secretaría de Gobernación met from 2014 until 2018 and seems to be no longer operant; in any case, by its composition it was rather an intergovernmental consultation body including 16 persons of which 11 are from governmental agencies somehow dealing with migration and only one person (the president of the CCINM) representing the citizen council described above.

Sources: Lineamientos Internos del Consejo Ciudadano del Instituto Nacional de Migración [Internal Guidelines of the Citizen's Council of the National Institute of Migration]. 2014. / SEGOB. "Consejo Consultivo [Advisory Council]". Accessed August 2, 2019. [http://www.politicamigratoria.gob.mx/es\\_mx/SEGOB/Consejo\\_Consultivo](http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Consejo_Consultivo).

### **IMMIGRANT\_22: Structural or ad hoc consultation.**

**The consultation is:**

Answer: structural

Code: 1

Explanation: Structural: CCINM meets four times a year and also when called by its president, 2/3 of its members, or by express request of the technical secretary.

Sources: Lineamientos Internos del Consejo Ciudadano del Instituto Nacional de Migración [Internal Guidelines of the Citizen's Council of the National Institute of Migration]. 2014.

### **IMMIGRANT\_23: Composition of the consultative body.**

**Composition of the consultative body:**

Answer: only immigrants

Code: 1

Explanation: By members elected by immigrants or members appointed by associations of immigrants without state intervention. They are experts on migration, representatives of civil society organisations specialized on migration, furthermore some must be specialized on children, women, victims related to migration, three academics, two representatives of humanitarian homes/shelters for migrants, two representatives of firms or enterprises linked to migration and two distinguished Mexican citizens. It is even forbidden to be in a public service position at any level of government to participate.

Sources: Lineamientos Internos del Consejo Ciudadano del Instituto Nacional de Migración [Internal Guidelines of the Citizen's Council of the National Institute of Migration]. 2014.

### **IMMIGRANT\_24: Leadership of the consultative body.**

**Who chairs the consultative body?**

Answer: immigrant appointed by the immigrant community

Code: 1

Explanation: Consultative body is chaired by participant (immigrant or immigrant association) Elected annually by the vote of at least 7 members of the council, with possible reelection for another term.

Sources: Lineamientos Internos del Consejo Ciudadano del Instituto Nacional de Migración [Internal Guidelines of the Citizen's Council of the National Institute of Migration]. 2014.

**IMMIGRANT\_25: Right of initiative to make its own reports or recommendations.**

**The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: yes

Code: 1

Explanation: Yes, but only in statute of the council.

Sources: Lineamientos Internos del Consejo Ciudadano del Instituto Nacional de Migración [Internal Guidelines of the Citizen's Council of the National Institute of Migration]. 2014.

**IMMIGRANT\_26: Right to get a response from the government to recommendation.**

**Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: yes

Code: 1

Explanation: Yes, but only in statute of the council. According to Article 10 of the CCINM, the duties of the Technical Secretary include: follow up on the recommendations of the Council and report on their status to the President.

Sources: Lineamientos Internos del Consejo Ciudadano del Instituto Nacional de Migración [Internal Guidelines of the Citizen's Council of the National Institute of Migration]. 2014.

**IMMIGRANT\_27: Selection criteria to ensure representativeness.**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: no

Code: 0

Explanation: No, the criteria rather reveal a preoccupation with including the different spheres of civil society that are most involved with the migrants, but do not seek to represent minority groups among migrants themselves.

Sources: Lineamientos Internos del Consejo Ciudadano del Instituto Nacional de Migración [Internal Guidelines of the Citizen's Council of the National Institute of Migration]. 2014.

**Existence of selection criteria to ensure a geographic-balanced consultative body:**

Answer: no

Code: 0

Explanation: No, the criteria rather reveal a preoccupation with including the different spheres of civil society that are most involved with the migrants, but do not seek to represent minority groups among migrants themselves.

Sources: Lineamientos Internos del Consejo Ciudadano del Instituto Nacional de Migración [Internal Guidelines of the Citizen's Council of the National Institute of Migration]. 2014.

## **5.3. Economic policies**

### **5.3.1. Access to labor market**

**IMMIGRANT\_28: Migrant access to labor market.**

**Can asylum seekers access the labor market?**

Answer: no

Code: 0

Explanation: No -at least it is not guaranteed. On paper, there is equal access for all proxies, as the Federal Law of Labor protects persons against discrimination on the basis of migratory status, among other reasons clearly stated. However, the Asylum Access report of 2018 states that the norms are not clear for asylum seekers.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2. / Asylum Access. "El derecho al trabajo de las personas solicitantes de asilo y refugiadas en América Latina y el Caribe [The Right to Work of Asylum Seekers and Refugees in Latin America and the Caribbean]". Access date not available. <https://asylumaccess.org/wp-content/uploads/2018/06/Derechos-Laborales-Refugiadas-en-America-Latina-y-el-Caribe-final-ESP.pdf>.

**Can refugees access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Federal Law of Labor protects persons against discrimination on the basis of migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2.

**Can co-ethnics access the labor market?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access the labor market?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can agricultural workers access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: The Federal Law of Labor protects persons against discrimination on the basis of migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2.

**Can medical doctors access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: The Federal Law of Labor protects persons against discrimination on the basis of migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2.

**Can permanent residents access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: Yes. The Federal Law of Labor protects persons against discrimination on the basis of migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2.

## **IMMIGRANT\_29: Migrant access to self-employment.**

### **Can asylum seekers access self-employment?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: They have access, but under certain conditions; they must have either a visitor card for humanitarian reasons a work permit and this is not guaranteed.

Sources: Not applicable

### **Can refugees access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Yes, equal access, as they are permanent residents.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 164.

### **Can co-ethnics access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access self-employment?**

Answer: no

Code: 0

Explanation: No. They can only work in the activity for which they got an employment offer.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

### **Can medical doctors access self-employment?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Yes, they have access, but -as temporary residents- under certain conditions. They must request permission to work.

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014).

### **Can permanent residents access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Yes.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art 54. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 164.

### **IMMIGRANT\_30: Migrant access to civil service.**

#### **Can asylum seekers access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Can refugees access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Can co-ethnics access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can agricultural workers access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Can medical doctors access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions



Code: 0.5

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can permanent residents access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can asylum seekers access employment in public administration?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can refugees access employment in public administration?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can co-ethnics access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access employment in public administration?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can medical doctors access employment in public administration?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can permanent residents access employment in public administration?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can asylum seekers access employment in the police?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can refugees access employment in the police?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can co-ethnics access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access employment in the police?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can medical doctors access employment in the police?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can permanent residents access employment in the police?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Quotas for preferential hiring of asylum seekers exist:**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

**Quotas for preferential hiring of refugees exist:**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

**Quotas for preferential hiring of co-ethnics exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Quotas for preferential hiring of domestic workers exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Quotas for preferential hiring of agricultural workers exist:**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Quotas for preferential hiring of medical doctors:**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Quotas for preferential hiring of permanent residents:**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Can asylum seekers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Can refugees access employment in the armed forces?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Can co-ethnics access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can agricultural workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

#### **Can medical doctors access employment in the armed forces?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

### **Can permanent residents access employment in the armed forces?**

Answer: no

Code: 0

Explanation: There are several sectors and activities solely reserved for nationals, stated in Art. 32 of the Constitution (see answer below, to IMMIGRANT\_35). From the list, the only profession not exclusively mentioned for Mexican nationals is school teachers. For all others there is either exclusivity or preference for Mexicans. Also, quotas for preferential hiring of Mexicans exist.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018).

## **5.3.2. Access to support**

### **IMMIGRANT\_31: Public employment services.**

#### **Can asylum seekers access public employment services?**

Answer: No

Code: 0

Explanation: No. These are only meant for Mexicans.

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

#### **Can refugees access public employment services?**

Answer: No

Code: 0

Explanation: No. These are only meant for Mexicans.

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.



**Can co-ethnics access public employment services?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access public employment services?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can agricultural workers access public employment services?**

Answer: No

Code: 0

Explanation: No. These are only meant for Mexicans.

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

**Can medical doctors access public employment services?**

Answer: No

Code: 0

Explanation: No. These are only meant for Mexicans.

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

**Can permanent residents access public employment services?**

Answer: No

Code: 0

Explanation: No. These are only meant for Mexicans.

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

### **IMMIGRANT\_32: Recognition of qualifications.**

#### **Recognition of qualifications acquired abroad by asylum seekers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. No difference is made in the process depending on whether applicant is Mexican or not.

Sources: Secretaría de Educación Pública. "Revalidación de estudios de tipo superior [Revalidation of Higher Education Studies]". Retrieved May 3, 2019.  
<http://www.sep.gob.mx/work/models/sep1/Resource/12240/8/images/FolletoR>.

#### **Recognition of qualifications acquired abroad by refugees:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. No difference is made in the process depending on whether applicant is Mexican or not.

Sources: Secretaría de Educación Pública. "Revalidación de estudios de tipo superior [Revalidation of Higher Education Studies]". Retrieved May 3, 2019.  
<http://www.sep.gob.mx/work/models/sep1/Resource/12240/8/images/FolletoR>.

#### **Recognition of qualifications acquired abroad by co-ethnics:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by domestic workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by agricultural workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. No difference is made in the process depending on whether applicant is Mexican or not.

Sources: Secretaría de Educación Pública. "Revalidación de estudios de tipo superior [Revalidation of Higher Education Studies]". Retrieved May 3, 2019.  
<http://www.sep.gob.mx/work/models/sep1/Resource/12240/8/images/FolletoR>.

#### **Recognition of qualifications acquired abroad by medical doctors:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. No difference is made in the process depending on whether applicant is Mexican or not.

Sources: Secretaría de Educación Pública. "Revalidación de estudios de tipo superior [Revalidation of Higher Education Studies]". Retrieved May 3, 2019.  
<http://www.sep.gob.mx/work/models/sep1/Resource/12240/8/images/FolletoR>.

#### **Recognition of qualifications acquired abroad by permanent residents:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals. No difference is made in the process depending on whether applicant is Mexican or not.

Sources: Secretaría de Educación Pública. "Revalidación de estudios de tipo superior [Revalidation of Higher Education Studies]". Retrieved May 3, 2019.  
<http://www.sep.gob.mx/work/models/sep1/Resource/12240/8/images/FolletoR>.

### **5.3.3. Worker's rights**

#### **IMMIGRANT\_33: Membership in trade unions.**

**Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Restricted access to elected positions. The Federal Law of Labor states that foreigners may not be part of directive organs of trade unions.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 372.

**Can refugees be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Restricted access to elected positions. The Federal Law of Labor states that foreigners may not be part of directive organs of trade unions.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 372.

**Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Restricted access to elected positions. The Federal Law of Labor states that foreigners may not be part of directive organs of trade unions.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 372.

**Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Restricted access to elected positions. The Federal Law of Labor states that foreigners may not be part of directive organs of trade unions.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 372.

**Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Restricted access to elected positions. The Federal Law of Labor states that foreigners may not be part of directive organs of trade unions.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 372.

**IMMIGRANT\_34: Job transferability.**

**Can asylum seekers change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: Asylum seekers do not have the right to work.

Sources: Not applicable

**Can refugees change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Yes, they can change their employer without conditions.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 46.

**Can co-ethnics change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can agricultural workers change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Yes, even if they entered with a “tarjeta de trabajador fronterizo”, they can switch employers

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 34, 6, d. / Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 46.

**Can medical doctors change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Yes, they can switch employers.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 46.

**Can permanent residents change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Yes, they can switch employers.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 46.

#### **IMMIGRANT\_35: Right to redress.**

**Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, the Federal Labor or Law makes no distinctions regarding nationality of migratory status regarding the rights of employees to be redressed if the terms of their contractual relation are violated by the employer. The same law prohibits any discrimination between workers due to migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2, 3 and 50.

**Do refugees have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, the Federal Labor or Law makes no distinctions regarding nationality of migratory status regarding the rights of employees to be redressed if the terms of their contractual relation are violated by the employer. The same law prohibits any discrimination between workers due to migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2, 3 and 50.

**Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, the Federal Labor or Law makes no distinctions regarding nationality of migratory status regarding the rights of employees to be redressed if the terms of their contractual relation are violated by the employer. The same law prohibits any discrimination between workers due to migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2, 3 and 50.

**Do medical doctors have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, the Federal Labor or Law makes no distinctions regarding nationality of migratory status regarding the rights of employees to be redressed if the terms of their contractual relation are violated by the employer. The same law prohibits any discrimination between workers due to migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2, 3 and 50.

**Do permanent residents have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, the Federal Labor or Law makes no distinctions regarding nationality of migratory status regarding the rights of employees to be redressed if the terms of their contractual relation are violated by the employer. The same law prohibits any discrimination between workers due to migratory status.

Sources: Ley Federal del Trabajo [Federal Labor Law] 1970 (2018). Art. 2, 3 and 50.



### 5.3.4. Property rights

#### IMMIGRANT\_36: Property rights.

##### Can asylum seekers acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but with some restrictions: "In a strip of one hundred kilometers along the borders and fifty on the beaches, for no reason will foreigners acquire direct control over land and waters. The State in accordance with internal public interests and the principles".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 27.

##### Can refugees acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but with some restrictions: "In a strip of one hundred kilometers along the borders and fifty on the beaches, for no reason will foreigners acquire direct control over land and waters. The State in accordance with internal public interests and the principles".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 27.

##### Can co-ethnics acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### Can domestic workers acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### Can agricultural workers acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but with some restrictions: "In a strip of one hundred kilometers along the borders and fifty on the beaches, for no reason will foreigners acquire direct control over land and waters. The State in accordance with internal public interests and the principles".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 27.

### **Can medical doctors acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but with some restrictions: "In a strip of one hundred kilometers along the borders and fifty on the beaches, for no reason will foreigners acquire direct control over land and waters. The State in accordance with internal public interests and the principles".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 27.

### **Can permanent residents acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but with some restrictions: "In a strip of one hundred kilometers along the borders and fifty on the beaches, for no reason will foreigners acquire direct control over land and waters. The State in accordance with internal public interests and the principles".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 27.

## **5.4. Social policies**

### **5.4.1. Family reunification**

#### **Can asylum seekers bring their families to their country of residence?**

Answer: no

Code: 0

Explanation: In principle, there is no residence requirement, as the migration law guarantees that migrants who wish to enter regularly can preserve family union, also those seeking humanitarian protection. However, later the Law and its regulation only specify this further for permanent and temporary residents. Since refugees are given permanent residence, for them it is assured. Asylum seekers can make a joint asylum request for themselves and their families if they come with them, but they have no right to bring their family members before their process is decided. While in the Migration Law there is ambiguity with respect to the right of asylum seekers to ask for family reunification.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10. / Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 12.

#### **Can refugees bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Yes, and there is no residence requirement, as they get a visa as permanent residents once they are recognized as refugees.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41 and 111. / Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 44 and 58. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 80, 81 and 82.

#### **Can co-ethnics bring their families to their country of residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers bring their families to their country of residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can agricultural workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Yes, no residence requirement, although for family reunification a temporary resident visa or a permanent residence visa are required.

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012.

#### **Can medical doctors bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Yes. No residence requirement. They can request their closest family members (spouse/partner and dependent children) to get the same visa from the start; later, they preserve the right to reunite with their families with whatever regular migratory condition they have.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41 and 111.

#### **Can permanent residents bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Yes, with no residence requirement. This is clear and explicit in Art. 55 of the Migration Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41, 55 and 111.

### *Eligibility*

#### **IMMIGRANT\_37: Resident requirement for ordinary legal residents.**

##### **Residence requirement for ordinary legal residents (asylum seekers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Residence requirement for ordinary legal residents (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (refugees). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement, as they get a visa as permanent residents once they are recognized as refugees.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41 and 111. / Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 44 and 58. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 80, 81 and 82.

**Residence requirement for ordinary legal residents (refugees):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement, as they get a visa as permanent residents once they are recognized as refugees.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41 and 111. / Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 44 and 58. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 80, 81 and 82.

**Residence requirement for ordinary legal residents (co-ethnics). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (domestic workers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (agricultural workers). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement, although for family reunification a temporary resident visa or a permanent residence visa are required.

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012.

**Residence requirement for ordinary legal residents (agricultural workers):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. Although for family reunification a temporary resident visa or a permanent residence visa are required.

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012.

**Residence requirement for ordinary legal residents (medical doctors). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. They can request their closest family members (spouse/partner and dependent children) to get the same visa from the start; later, they preserve the right to reunite with their families with whatever regular migratory condition they have.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41 and 111.

**Residence requirement for ordinary legal residents (medical doctors):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. They can request their closest family members (spouse/partner and dependent children) to get the same visa from the start; later, they preserve the right to reunite with their families with whatever regular migratory condition they have.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41 and 111.

**Residence requirement for ordinary legal residents (permanent residents). In months:**

Answer: 0

Code: 0

Explanation: With no residence requirement. This is clear and explicit in Art. 55 of the Migration Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41, 55 and 111.

**Residence requirement for ordinary legal residents (permanent residents):**

Answer: no residence requirement

Code: 1

Explanation: With no residence requirement. This is clear and explicit in Art. 55 of the Migration Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 10, 41, 55 and 111.

**IMMIGRANT\_38: Family members considered for reunification.**

**Family member eligible for reunification (asylum seekers): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Children.**

Answer: Not applicable

Code: Not applicable

Explanation:

Sources:

**Family member eligible for reunification (asylum seekers): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Spouse.**

Answer: yes

Code: 1



Explanation: For all, including fourth-degree lineal and second-degree lineal dependents of spouse/partner (Art. 58 of the Refugee Law).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 58.

**Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: For all, including fourth-degree lineal and second-degree lineal dependents of spouse/partner (Art. 58 of the Refugee Law).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 58.

**Family member eligible for reunification (refugees): Children.**

Answer: yes

Code: 1

Explanation: For all, including fourth-degree lineal and second-degree lineal dependents of spouse/partner (Art. 58 of the Refugee Law).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 58.

**Family member eligible for reunification (refugees): Parents.**

Answer: yes

Code: 1

Explanation: For all, including fourth-degree lineal and second-degree lineal dependents of spouse/partner (Art. 58 of the Refugee Law).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 58.

**Family member eligible for reunification (refugees): Grandparents.**

Answer: yes

Code: 1

Explanation: For all, including fourth-degree lineal and second-degree lineal dependents of spouse/partner (Art. 58 of the Refugee Law).

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 58.

**Family member eligible for reunification (co-ethnics): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Children.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Children.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Spouse.**

Answer: yes

Code: 1

Explanation: According to the Article 134 of the Refugee Law: " Yes, of spouse/partner or similar, children or legally dependent".

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 134 and 135.

**Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: According to the Article 134 of the Refugee Law: " Yes, of spouse/partner or similar, children or legally dependent".

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 134 and 135.

**Family member eligible for reunification (agricultural workers): Children.**

Answer: yes

Code: 1

Explanation: According to the Article 134 of the Refugee Law: " Yes, of spouse/partner or similar, children or legally dependent".

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 134 and 135.

**Family member eligible for reunification (agricultural workers): Parents.**

Answer: no

Code: 0

Explanation: According to the Article 134 of the Refugee Law: " Yes, of spouse/partner or similar, children or legally dependent".

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 134 and 135.

**Family member eligible for reunification (agricultural workers): Grandparents.**

Answer: no

Code: 0

Explanation: According to the Article 134 of the Refugee Law: " Yes, of spouse/partner or similar, children or legally dependent".

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 134 and 135.

**Family member eligible for reunification (medical doctors): Spouse.**

Answer: yes

Code: 1

Explanation: Yes, all but grandparents (Art. 52 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 111.

**Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Yes, all but grandparents (Art. 52 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 111.

**Family member eligible for reunification (medical doctors): Children.**

Answer: yes

Code: 1

Explanation: Yes, all but grandparents (Art. 52 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 111.

**Family member eligible for reunification (medical doctors): Parents.**

Answer: yes

Code: 1

Explanation: Yes, all but grandparents (Art. 52 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 111.

**Family member eligible for reunification (medical doctors): Grandparents.**

Answer: no

Code: 0

Explanation: Yes, all but grandparents (Art. 52 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 111.

**Family member eligible for reunification (permanent residents): Spouse.**

Answer: yes

Code: 1

Explanation: Yes. All options given, but grandparents. There is one additional option: dependent siblings (Art 55 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55.

**Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Yes. All options given, but grandparents. There is one additional option: dependent siblings (Art 55 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55.

**Family member eligible for reunification (permanent residents): Children.**

Answer: yes

Code: 1

Explanation: Yes. All options given, but grandparents. There is one additional option: dependent siblings (Art 55 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55.

**Family member eligible for reunification (permanent residents): Parents.**

Answer: yes

Code: 1

Explanation: Yes. All options given, but grandparents. There is one additional option: dependent siblings (Art 55 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55.

**Family member eligible for reunification (permanent residents): Grandparents.**

Answer: no

Code: 0

Explanation: Yes. All options given, but grandparents. There is one additional option: dependent siblings (Art 55 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55.

*Security of status*

**IMMIGRANT\_39: Length of application procedure.**

**Length of application procedure in months (asylum seekers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (asylum seekers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (refugees).**

Answer: 1.5

Code: 1.5

Explanation: Less than six months defined by law (Art. 80 of the Refugee Law).

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 80.

**Length of application procedure (refugees).**

Answer: less or equal six months defined by law

Code: 1

Explanation: Less than six months defined by law (Art. 80 of the Refugee Law).

Sources: Reglamento de la Ley sobre Refugiados y Protección Complementaria [Regulations of the Law on Refugees, Complementary and Protection]. 2012. Art. 80.

**Length of application procedure in months (co-ethnics).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (co-ethnics).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



**Length of application procedure in months (domestic workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (domestic workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (agricultural workers).**

Answer: 0

Code: 0

Explanation: Less than six months defined by law (Art. 77 of the LINEAMIENTOS para trámites y procedimientos migratorios). Immediately (it is done at the border).

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 77.

**Length of application procedure (agricultural workers).**

Answer: less or equal six months defined by law

Code: 1

Explanation: Less than six months defined by law (Art. 77 of the LINEAMIENTOS para trámites y procedimientos migratorios). Immediately (it is done at the border).

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 77.

**Length of application procedure in months (medical doctors).**

Answer: 1

Code: 1

Explanation: 2-10 working days after reception of all documents for the permit to enter Mexico, which is for a maximum of 180 days, single-entry and does not allow paid work; once in Mexico, the family member must request the temporary resident card through family link, which takes another 20 days. It must be requested to the National Institute of Migration.

Sources: Embajada de México en España. "Residente temporal por unidad familiar [Temporary Resident per Family Unit]". Retrieved October 8, 2019.  
<https://embamex.sre.gob.mx/espana/index.php/seccion-consular/visas?id=538>. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 39.

#### **Length of application procedure (medical doctors).**

Answer: less or equal six months defined by law

Code: 1

Explanation: Less than six months defined by law: 2-10 working days after reception of all documents for the permit to enter Mexico, which is for a maximum of 180 days, single-entry and does not allow paid work; once in Mexico, the family member must request the temporary resident card through family link, which takes another 20 days. It must be requested to the National Institute of Migration.

Sources: Embajada de México en España. "Residente temporal por unidad familiar [Temporary Resident per Family Unit]". Retrieved October 8, 2019.  
<https://embamex.sre.gob.mx/espana/index.php/seccion-consular/visas?id=538>. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 39.

#### **Length of application procedure in months (permanent residents).**

Answer: 1

Code: 1

Explanation: 2-10 working days after reception of all documents for the permit to enter Mexico, which is for a maximum of 180 days, single-entry and does not allow paid work; once in Mexico, the family member must request the temporary resident card through family link, which takes another 20 days. It must be requested to the National Institute of Migration.

Sources: Not applicable

#### **Length of application procedure (permanent residents).**

Answer: less or equal six months defined by law

Code: 1

Explanation: Less than six months defined by law: 2-10 working days after reception of all documents for the permit to enter Mexico, which is for a maximum of 180 days, single-entry and does not allow paid work; once in Mexico, the family member must request the temporary resident card through family link, which takes another 20 days. It must be requested to the National Institute of Migration.

Sources: Embajada de México en España. "Residente temporal por unidad familiar [Temporary Resident per Family Unit]". Retrieved October 8, 2019.  
<https://embamex.sre.gob.mx/espana/index.php/seccion-consular/visas?id=538>. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 39.

#### **IMMIGRANT\_40: Duration of permit.**

##### **Duration of validity of permit (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Duration of validity of permit (refugees):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable (permanent!) (Art 55 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55.

##### **Duration of validity of permit (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Duration of validity of permit (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Duration of validity of permit (agricultural workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable While the Ley de Migración does not mention the right of border workers to bring their families, the Reglamento of the same Ley does (Arts. 134 and 135). Furthermore, the Lineamientos for their application do not specify a shorter duration than the duration of the permit for the Border Worker (Art. 77 of the Lineamientos para trámites y procedimientos migratorios 2012/2014).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 134 and 135. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 77.

#### **Duration of validity of permit (medical doctors):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable While the Ley de Migración does not mention the right of border workers to bring their families, the Reglamento of the same Ley does (Arts. 134 and 135). Furthermore, the Lineamientos for their application do not specify a shorter duration than the duration of the permit for the Border Worker (Art. 77 of the Lineamientos para trámites y procedimientos migratorios 2012/2014).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 39.

#### **Duration of validity of permit (permanent residents):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable (Art 55 of the Migration Law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55.

#### **IMMIGRANT\_41: Grounds for rejection, withdrawing or refusing to renew status.**

##### **Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Break-up of family relationship is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law“.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right



to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: Yes. For spouses/partners and similar binomial constellations: the subsistence of the relation is also a condition, as stated in Arts. 55 and 56 of the Ley de Migración, which specify the right to family union. In cases of threat to national security, the cancellation of a residence permit/condition is regulated by Art. 64 of the same Law.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55, 56 and 64. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 43 and 163.

**IMMIGRANT\_42: Special circumstances.**

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):**

Answer: no

Code: 0

Explanation: No. For all migrants, one of the principles of the Migration Law is the "Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws." Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: "In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require."

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the "Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws." Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: "In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require."

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the “Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws.” Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: “In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require.”

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the “Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws.” Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: “In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require.”

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):**

Answer: no

Code: 0

Explanation: No. For all migrants, one of the principles of the Migration Law is the "Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws." Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: "In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require."

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the "Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws." Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: "In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require."

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the "Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws." Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: "In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require."

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the “Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws.” Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: “In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require.”

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):**

Answer: no

Code: 0

Explanation: No. For all migrants, one of the principles of the Migration Law is the “Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws.” Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: “In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require.”

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the “Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws.” Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: “In the case that foreigners are pregnant women, elderly adults, people with



disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require.”

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the “Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws.” Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: “In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require.”

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):**

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):**

Answer: no

Code: 0

Explanation: No. For all migrants, one of the principles of the Migration Law is the “Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws.” Thus, existing links with Mexico is a factor

that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: "In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require."

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the "Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws." Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: "In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require."

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the "Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws." Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: "In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require."

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, one of the principles of the Migration Law is the “Recognition of the acquired rights of immigrants, while foreigners with roots or family, work or business ties in Mexico have generated a series of rights and commitments from their daily living in the country, even when they may have incurred an irregular immigration situation due to administrative aspects and provided that the foreigner has complied with the applicable laws.” Thus, existing links with Mexico is a factor that is considered. Also, in case of vulnerable groups or persons who have been victims of violence in Mexico, due account must be taken before refusing them a status, according to the same law, in its Articles 112 and 113: “In the case that foreigners are pregnant women, elderly adults, people with disabilities, and indigenous people. Or, victims or witnesses of serious crimes committed in national territory whose emotional state does not allow them to make a decision as to whether they wish to return to their country of origin or remain in national territory, the Institute will take appropriate measures so that if so they require it to privilege their stay in specialized public or private institutions that can provide them with the attention they require.”

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 112 and 113.

**IMMIGRANT\_43: Legal guarantees and redress in case of refusal or withdrawal.**

**Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense."

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense."

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):**

Answer: yes

Code: 1

Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense".

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):**

Answer: yes

Code: 1



Explanation: Yes. For all migrants, the Law states that: "In case of negative resolution, the migration authority will issue resolution duly founded and motivated, and will return the immigration document to the foreign person, if it is still in force to continue with your condition of stay. If the Immigration document is no longer in force and the foreigner, in the cases that apply, did not promote the renewal of the same in time, will be granted a period not exceeding thirty days or less than twenty calendar days to leave the national territory, request the regularization of their immigration status or to bring the necessary means of defense."

Sources: Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 142.

#### **IMMIGRANT\_44: Right to autonomous permit.**

##### **Right to autonomous residence permit for partners and children at age of majority (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Right to autonomous residence permit for partners and children at age of majority (refugees):**

Answer: after less or equal 3 years

Code: 0.75

Explanation: After less or equal 3 years "Article 38. During the substantiation of a cessation, revocation or cancellation procedure, the Secretariat must inform foreigners who enjoy refugee status mentioned in article 12 (dependants of a refugee who have a derivative status), that they may submit a new request for recognition in writing of a refugee status independent of the principal applicant. In this case, the derivative condition will be maintained until a final determination of the request is reached. The spouse, concubinary, concubine, children and those dependent abroad whose recognition of refugee status was terminated, revoked or canceled, will have the right to request recognition of refugee status. In case of not submitting the application correspondingly, the cessation, revocation or cancellation will be effective, after a period of 30 days from the determination corresponding to the main refugee. However, they may request that the immigration authority be granted a condition of stay in the country."

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 12 and 38.

##### **Right to autonomous residence permit for partners and children at age of majority (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (agricultural workers):**

Answer: no right

Code: 0

Explanation: No right. This is only possible for family members of permanent residents.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 39.

**Right to autonomous residence permit for partners and children at age of majority (medical doctors):**

Answer: no right

Code: 0

Explanation: No right. This is only possible for family members of permanent residents.

Sources: Lineamientos para trámites y procedimientos migratorios 2012/2014 [Guidelines for Immigration Procedures and Procedures 2012/2014]. 2012. Art. 39.

**Right to autonomous residence permit for partners and children at age of majority (permanent residents):**

Answer: after less or equal 3 years

Code: 0.75

Explanation: After less of equal 3 years "Article 55: The permanent residents... II. Spouse, to whom the condition of temporary resident stay will be granted for two years, after which he will be able to obtain the status of permanent resident stay, as long as the marriage bond subsists" (Art. 55 of the Ley de Migración 2011/2018) "Be a spouse, concubine or concubinary or equivalent figure of Mexican or resident permanent, that accredits two years of regular stay in the national territory as Temporary resident and subsistence of the bond for the same period. The computation of the two years begins

after the spouse, concubine or concubinary or equivalent figure acquires the status of temporary resident stay by the link with the Mexican or with the permanent resident” (Reglamento..., Art. 141, c).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 55. / Reglamento de la Ley de Migración [Regulations of the Migration Law]. 2012 (2014). Art. 141.

## 5.4.2. Education

### **IMMIGRANT\_45: Access to education.**

#### **Children of asylum seekers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Yes, all of them independently of their migratory status: "Migrants may access the educational services provided by the public and private sectors, regardless of their immigration status and in accordance with the applicable legal and regulatory provisions" (Art 8 of the migration law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

#### **Children of refugees have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Yes, all of them independently of their migratory status: "Migrants may access the educational services provided by the public and private sectors, regardless of their immigration status and in accordance with the applicable legal and regulatory provisions" (Art 8 of the migration law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

#### **Children of co-ethnics have access to compulsory education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Children of domestic workers have access to compulsory education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of agricultural workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Yes, all of them independently of their migratory status: "Migrants may access the educational services provided by the public and private sectors, regardless of their immigration status and in accordance with the applicable legal and regulatory provisions" (Art 8 of the migration law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

**Children of medical doctors have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Yes, all of them independently of their migratory status: "Migrants may access the educational services provided by the public and private sectors, regardless of their immigration status and in accordance with the applicable legal and regulatory provisions" (Art 8 of the migration law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

**Children of permanent residents have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Yes, all of them independently of their migratory status: "Migrants may access the educational services provided by the public and private sectors, regardless of their immigration status and in accordance with the applicable legal and regulatory provisions" (Art 8 of the migration law).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

**IMMIGRANT\_46: Access to higher education.**

**Asylum seekers and their children have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: While a General Law of Higher Education is still being drafted in Congress as of October 2019, the newly published General Law of Education specifies that regardless of nationality, girls, boys, adolescents and youths must be able to use public education services and enjoy the benefits that national pupils and students enjoy (Art. 9, X).

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 9.

**Refugees have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: While a General Law of Higher Education is still being drafted in Congress as of October 2019, the newly published General Law of Education specifies that regardless of nationality, girls, boys, adolescents and youths must be able to use public education services and enjoy the benefits that national pupils and students enjoy (Art. 9, X).

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 9.

**Co-ethnics have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: No co-ethnics.

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 9.

**Domestic workers have access to higher education:**

Answer: NA

Code: NA

Explanation: NA.

Sources: NA.

**Agricultural workers have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: While a General Law of Higher Education is still being drafted in Congress as of October 2019, the newly published General Law of Education specifies that regardless of nationality, girls, boys, adolescents and youths must be able to use public education services and enjoy the benefits that national pupils and students enjoy (Art. 9, X).

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 9.

**Medical doctors have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: While a General Law of Higher Education is still being drafted in Congress as of October 2019, the newly published General Law of Education specifies that regardless of nationality, girls, boys, adolescents and youths must be able to use public education services and enjoy the benefits that national pupils and students enjoy (Art. 9, X).

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 9.

**Permanent residents have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: While a General Law of Higher Education is still being drafted in Congress as of October 2019, the newly published General Law of Education specifies that regardless of nationality, girls, boys, adolescents and youths must be able to use public education services and enjoy the benefits that national pupils and students enjoy (Art. 9, X).

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 9.

**IMMIGRANT\_47: Support for language instruction.**

**Provision of education support in language(s) of instruction for migrant pupils:**

Answer: yes

Code: 1

Explanation: The General Law of Education specifies that in all types, levels and modalities, education must respond to linguistic, regional and sociocultural diversity of the country, of rural and disperse populations and migratory groups, beyond the characteristics and needs of different sectors of society (Art.36 of the General Education Law).

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 36.

**IMMIGRANT\_48: Intercultural education.**

**Intercultural education is included in pre-service training in order to qualify as a teacher:**

Answer: yes

Code: 1

Explanation: Yes, there is an explicit obligation to offer equitable and excellent services with priority for groups and regions that are mostly underdeveloped, disperse or vulnerable due to socioeconomic, physical, cultural identity, ethnic or national origin, migratory situation or related to gender aspects, sexual preference and cultural practices (Art 8 of the General Law of Education).

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 8.

#### **IMMIGRANT\_49: Integration in teachers' syllabus.**

##### **Migration and integration are obligatory topics in professional development training:**

Answer: no

Code: 0

Explanation: Not explicitly for migration and integration; only for intercultural education. A secondary source reports that a federal program to sensitize teachers existed before 2012 but disappeared with the next government.

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 58. / Vargas Valle, Eunice. 2014. "Educación intercultural y educación en México." *Revista Iberoamericana de Educación* 64 (2): 1–8.

### **5.4.3. Health care**

#### **IMMIGRANT\_50: Conditions for inclusion in the health care system**

##### **Conditions for inclusion of asylum seekers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional to the Seguro Popular. The right to health for every person is protected by the Constitution, art. 8 ("Toda persona tiene derecho a la protección de la salud."). Furthermore, Art. 27 of the Migration Law states that the Ministry of Health must "Promote in coordination with the health authorities of the different levels of government that, the provision of health services granted to foreigners be provided regardless of their immigration status and in accordance with the applicable legal provisions". In 2014 The National Commission for Social Protection in Health (CNPSS), facilitated access for undocumented persons to temporarily join the Social Protection System for Health (SPSS). This is a measure of solidarity with the brethren peoples of Mexico, mainly of Central America and in the spirit of respect for the human rights of every citizen of the world. Migrants entering the country, specifically by the states of Campeche, Chiapas, Quintana Roo and Tabasco, do so irregularly, so these people are not in a position to comply with the requirements (documents) that are requested for their incorporation to the SPSS. For this reason and with the purpose of granting them the provision of the service financed by the Popular Insurance, the State Social Protection Health Regimes (REPSS), were empowered to register this group of people on a provisional basis, for up to a period of ninety days. With this, foreigners who are affiliated with the Popular Insurance, have the possibility of accessing the benefits offered by the System, without needing to provide any document, with the understanding that their affiliation is temporary.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 8. / Ley de Migración [Migration Law]. 2011 (2018). Art. 27. /

Gobierno de México. "Otorgan seguro popular a migrantes [Popular Insurance Granted to Migrants]". Access date not available. <http://www.gob.mx/salud/prensa/otorgan-seguro-popular-a-migrantes-7519>.

**Conditions for inclusion of refugees in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Unconditional. Their right to receive health services is enshrined in art. 44, II of the Law on Refugees.

Sources: Ley sobre Refugiados, Protección Complementaria y Asilo Político [Law on Refugees, Complementary Protection and Political Asylum]. 2011 (2014). Art. 44.

**Conditions for inclusion of co-ethnics in the health care system:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Conditions for inclusion of domestic workers in the health care system:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Conditions for inclusion of agricultural workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional to the Seguro Popular. The right to health for every person is protected by the Constitution, art. 8 ("Toda persona tiene derecho a la protección de la salud."). Furthermore, Art. 27 of the Migration Law states that the Ministry of Health must "Promote in coordination with the health authorities of the different levels of government that, the provision of health services granted to foreigners be provided regardless of their immigration status and in accordance with the applicable legal provisions". In 2014 The National Commission for Social Protection in Health (CNPSS), facilitated access for undocumented persons to temporarily join the Social Protection System for Health (SPSS). This is a measure of solidarity with the brethren peoples of Mexico, mainly of Central America and in the spirit of respect for the human rights of every citizen of the world. Migrants entering the country, specifically by the states of Campeche, Chiapas, Quintana Roo and Tabasco, do so irregularly, so these people are not in a position to comply with the



requirements (documents) that are requested for their incorporation to the SPSS. For this reason and with the purpose of granting them the provision of the service financed by the Popular Insurance, the State Social Protection Health Regimes (REPSS), were empowered to register this group of people on a provisional basis, for up to a period of ninety days. With this, foreigners who are affiliated with the Popular Insurance, have the possibility of accessing the benefits offered by the System, without needing to provide any document, with the understanding that their affiliation is temporary.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 8. / Ley de Migración [Migration Law]. 2011 (2018). Art. 27. / Gobierno de México. "Otorgan seguro popular a migrantes [Popular Insurance Granted to Migrants]". Access date not available. <http://www.gob.mx/salud/prensa/otorgan-seguro-popular-a-migrantes-7519>.

#### **Conditions for inclusion of medical doctors in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional to the Seguro Popular. The right to health for every person is protected by the Constitution, art. 8 ("Toda persona tiene derecho a la protección de la salud."). Furthermore, Art. 27 of the Migration Law states that the Ministry of Health must "Promote in coordination with the health authorities of the different levels of government that, the provision of health services granted to foreigners be provided regardless of their immigration status and in accordance with the applicable legal provisions". In 2014 The National Commission for Social Protection in Health (CNPSS), facilitated access for undocumented persons to temporarily join the Social Protection System for Health (SPSS). This is a measure of solidarity with the brethren peoples of Mexico, mainly of Central America and in the spirit of respect for the human rights of every citizen of the world. Migrants entering the country, specifically by the states of Campeche, Chiapas, Quintana Roo and Tabasco, do so irregularly, so these people are not in a position to comply with the requirements (documents) that are requested for their incorporation to the SPSS. For this reason and with the purpose of granting them the provision of the service financed by the Popular Insurance, the State Social Protection Health Regimes (REPSS), were empowered to register this group of people on a provisional basis, for up to a period of ninety days. With this, foreigners who are affiliated with the Popular Insurance, have the possibility of accessing the benefits offered by the System, without needing to provide any document, with the understanding that their affiliation is temporary.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 8. / Ley de Migración [Migration Law]. 2011 (2018). Art. 27. / Gobierno de México. "Otorgan seguro popular a migrantes [Popular Insurance Granted to Migrants]". Access date not available. <http://www.gob.mx/salud/prensa/otorgan-seguro-popular-a-migrantes-7519>.

#### **Conditions for inclusion of permanent residents in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional to the Seguro Popular. The right to health for every person is protected by the Constitution, art. 8 ("Toda persona tiene derecho a la protección de la salud."). Furthermore, Art. 27 of the Migration Law states that the Ministry of Health must "Promote in coordination with the health authorities of the different levels of government that, the provision of health services granted to foreigners be provided regardless of their immigration status and in accordance with the applicable legal provisions". In 2014 The National Commission for Social Protection in Health (CNPSS), facilitated access for undocumented persons to temporarily join the Social Protection System for Health (SPSS). This is a measure of solidarity with the brethren peoples of Mexico, mainly of Central America and in the spirit of respect for the human rights of every citizen of

the world. Migrants entering the country, specifically by the states of Campeche, Chiapas, Quintana Roo and Tabasco, do so irregularly, so these people are not in a position to comply with the requirements (documents) that are requested for their incorporation to the SPSS. For this reason and with the purpose of granting them the provision of the service financed by the Popular Insurance, the State Social Protection Health Regimes (REPSS), were empowered to register this group of people on a provisional basis, for up to a period of ninety days. With this, foreigners who are affiliated with the Popular Insurance, have the possibility of accessing the benefits offered by the System, without needing to provide any document, with the understanding that their affiliation is temporary.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 8. / Ley de Migración [Migration Law]. 2011 (2018). Art. 27. / Gobierno de México. "Otorgan seguro popular a migrantes [Popular Insurance Granted to Migrants]". Access date not available. <http://www.gob.mx/salud/prensa/otorgan-seguro-popular-a-migrantes-7519>.

## **IMMIGRANT\_51: Coverage of health care services.**

### **Health care coverage for asylum seekers.**

Answer: same coverage as nationals

Code: 1

Explanation: In principle same coverage as nationals either publicly or privately according to secondary regulations, and at least urgent/emergency care. "Migrants will have the right to receive any type of medical care, provided by the public and private sectors, regardless of their immigration status, in accordance with the applicable legal and regulatory provisions. Migrants, regardless of their immigration status, will have the right to receive, for free and without restriction, any kind of urgent medical care that is necessary to preserve their life. In the provision of educational and medical services, no administrative act will establish restrictions abroad, greater than those established in general for Mexicans (Art. 8)".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

### **Health care coverage for refugees.**

Answer: same coverage as nationals

Code: 1

Explanation: In principle same coverage as nationals either publicly or privately according to secondary regulations, and at least urgent/emergency care. "Migrants will have the right to receive any type of medical care, provided by the public and private sectors, regardless of their immigration status, in accordance with the applicable legal and regulatory provisions. Migrants, regardless of their immigration status, will have the right to receive, for free and without restriction, any kind of urgent medical care that is necessary to preserve their life. In the provision of educational and medical services, no administrative act will establish restrictions abroad, greater than those established in general for Mexicans (Art. 8)".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

### **Health care coverage for co-ethnics.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Health care coverage for domestic workers.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Health care coverage for agricultural workers.**

Answer: same coverage as nationals

Code: 1

Explanation: In principle same coverage as nationals either publicly or privately according to secondary regulations, and at least urgent/emergency care. "Migrants will have the right to receive any type of medical care, provided by the public and private sectors, regardless of their immigration status, in accordance with the applicable legal and regulatory provisions. Migrants, regardless of their immigration status, will have the right to receive, for free and without restriction, any kind of urgent medical care that is necessary to preserve their life. In the provision of educational and medical services, no administrative act will establish restrictions abroad, greater than those established in general for Mexicans (Art. 8)".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

#### **Health care coverage for medical doctors.**

Answer: same coverage as nationals

Code: 1

Explanation: In principle same coverage as nationals either publicly or privately according to secondary regulations, and at least urgent/emergency care. "Migrants will have the right to receive any type of medical care, provided by the public and private sectors, regardless of their immigration status, in accordance with the applicable legal and regulatory provisions. Migrants, regardless of their immigration status, will have the right to receive, for free and without restriction, any kind of urgent medical care that is necessary to preserve their life. In the provision of educational and medical services, no administrative act will establish restrictions abroad, greater than those established in general for Mexicans (Art. 8)".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

#### **Health care coverage for permanent residents.**

Answer: same coverage as nationals

Code: 1

Explanation: In principle same coverage as nationals either publicly or privately according to secondary regulations, and at least urgent/emergency care. "Migrants will have the right to receive any type of medical care, provided by the public and private sectors, regardless of their immigration status, in accordance with the applicable legal and regulatory provisions. Migrants, regardless of their immigration status, will have the right to receive, for free and without restriction, any kind of urgent medical care that is necessary to preserve their life. In the provision of educational and medical services, no administrative act will establish restrictions abroad, greater than those established in general for Mexicans (Art. 8)".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 8.

#### 5.4.4. Unemployment benefits

##### IMMIGRANT\_52: Unemployment benefits.

##### Access of asylum seekers to unemployment benefits as compared to citizen residents:

Answer: no unemployment benefits

Code: 97

Explanation: There is no unemployment insurance at the national (federal) level in Mexico; only local programs -so far only in Mexico City. However, in 2018 a Temporary Employment Program was approved for the national level which grants financial support to people 16 years of age or older who see their income or assets reduced due to adverse social and economic situations, emergencies or disasters, as consideration for their participation in projects for social, family or community benefit. According to its rules, "it will promote effective enforcement and the strict respect for the rights of people in vulnerable conditions, such as young people, people with disabilities, migrants". It seems to be really open to immigrants, as one of the eligible documents is the "Migratory Form: issued by the competent authority in immigration matters, they can be presented to credit the identity and personal data of the applicants.10)".

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

##### Access of refugees to unemployment benefits as compared to citizen residents:

Answer: no unemployment benefits

Code: 97

Explanation: There is no unemployment insurance at the national (federal) level in Mexico; only local programs -so far only in Mexico City. However, in 2018 a Temporary Employment Program was approved for the national level which grants financial support to people 16 years of age or older who see their income or assets reduced due to adverse social and economic situations, emergencies or disasters, as consideration for their participation in projects for social, family or community benefit. According to its rules, "it will promote effective enforcement and the strict respect for the rights of

people in vulnerable conditions, such as young people, people with disabilities, migrants”. It seems to be really open to immigrants, as one of the eligible documents is the “Migratory Form: issued by the competent authority in immigration matters, they can be presented to credit the identity and personal data of the applicants (10)”.

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

#### **Access of co-ethnics to unemployment benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Access of domestic workers to unemployment benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Access of agricultural workers to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: There is no unemployment insurance at the national (federal) level in Mexico; only local programs -so far only in Mexico City. However, in 2018 a Temporary Employment Program was approved for the national level which grants financial support to people 16 years of age or older who see their income or assets reduced due to adverse social and economic situations, emergencies or disasters, as consideration for their participation in projects for social, family or community benefit. According to its rules, “it will promote effective enforcement and the strict respect for the rights of people in vulnerable conditions, such as young people, people with disabilities, migrants”. It seems to be really open to immigrants, as one of the eligible documents is the “Migratory Form: issued by the competent authority in immigration matters, they can be presented to credit the identity and personal data of the applicants (10)”.

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

#### **Access of medical doctors to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: There is no unemployment insurance at the national (federal) level in Mexico; only local programs -so far only in Mexico City. However, in 2018 a Temporary Employment Program was approved for the national level which grants financial support to people 16 years of age or older who see their income or assets reduced due to adverse social and economic situations, emergencies or disasters, as consideration for their participation in projects for social, family or community benefit. According to its rules, "it will promote effective enforcement and the strict respect for the rights of people in vulnerable conditions, such as young people, people with disabilities, migrants". It seems to be really open to immigrants, as one of the eligible documents is the "Migratory Form: issued by the competent authority in immigration matters, they can be presented to credit the identity and personal data of the applicants (10)"

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

#### **Access of permanent residents to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: There is no unemployment insurance at the national (federal) level in Mexico; only local programs -so far only in Mexico City. However, in 2018 a Temporary Employment Program was approved for the national level which grants financial support to people 16 years of age or older who see their income or assets reduced due to adverse social and economic situations, emergencies or disasters, as consideration for their participation in projects for social, family or community benefit. According to its rules, "it will promote effective enforcement and the strict respect for the rights of people in vulnerable conditions, such as young people, people with disabilities, migrants". It seems to be really open to immigrants, as one of the eligible documents is the "Migratory Form: issued by the competent authority in immigration matters, they can be presented to credit the identity and personal data of the applicants (10)".

Sources: ACUERDO mediante el cual se establecen las Reglas de Operación del Programa de Apoyo al Empleo [AGREEMENT Establishing the Rules of Operation for the Employment Support Program]. 2019.

### **5.4.5. Retirement benefits**

#### **IMMIGRANT\_53: Retirement benefits.**

#### **Access of asylum seekers to retirement benefits as compared to citizen residents:**

Answer: limited access

Code: 0.5

Explanation: As of October 2019 there is no clear regulation on this. However in July 4, 2019 the president of the National Commission of the Retirement Savings System (Consar) announced that Central American migrants arriving in Mexico will have access to an Afore pension through voluntary

savings. This would mean that limiting conditions apply, as they can only contribute in a voluntary Sub Account, which is but one of the three parts that constitute an individual account for pension savings (the others being the Housing Sub account, and the Retirement, Severance in the Elderly and Old Age account).

Sources: El Heraldo de Aguascalientes. "Abrirían ahorro voluntario a migrantes centroamericanos [Voluntary Savings to be opened to Central American Migrants]". Access date not available. <http://www.heraldo.mx/abririan-ahorro-voluntario-a-migrantes-centroamericanos/>.

#### **Access of refugees to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access; it depends on them being workers (which they can be, since they are allowed to work) and joining a scheme for retirement savings (afore) which is open to anyone with a social security number in Mexico.

Sources: Gobierno de México. "Sistema de ahorro para el retiro [Retirement Savings System]". Access date not available. <https://www.gob.mx/cms/uploads/attachment/file/265433/Sistema-de-ahorro-para-el-Retiro.pdf>.

#### **Access of co-ethnics to retirement benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Access of domestic workers to retirement benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Access of agricultural workers to retirement benefits as compared to citizen residents:**

Answer: limited access

Code: 0.5

Explanation: It is not entirely clear if agricultural workers can register with their documents, get a RFC and CURP, generally needed to do register, but secondary sources suggest it is possible. In any case, it seems that limiting conditions apply via documentation.

Sources: Gobierno de México. “¿Cómo me registro en una AFORE? [How do I register in an AFORE?]”. Accessed February 15, 2018. <http://www.gob.mx/consar/articulos/como-me-registro-en-una-afore>. / El Sol de México. “Sabías que puedes adquirir un seguro del IMSS sin tener un empleo formal [Did you know that you can purchase IMSS insurance without having a formal job?]”. Access date not available. <https://www.elsoldemexico.com.mx/doble-via/salud/sabias-que-puedes-adquirir-un-seguro-del-imss-sin-tener-un-empleo-formal-2880188.html>.

#### **Access of medical doctors to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access; it depends on them being workers (which they can be, since they are allowed to work) and joining a scheme for retirement savings (afore) which is open to anyone with a social security number in Mexico.

Sources: Gobierno de México. “Sistema de ahorro para el retiro [Retirement Savings System]”. Access date not available. <https://www.gob.mx/cms/uploads/attachment/file/265433/Sistema-de-ahorro-para-el-Retiro.pdf>.

#### **Access of permanent residents to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access; it depends on them being workers (which they can be, since they are allowed to work) and joining a scheme for retirement savings (afore) which is open to anyone with a social security number in Mexico.

Sources: Gobierno de México. “Sistema de ahorro para el retiro [Retirement Savings System]”. Access date not available. <https://www.gob.mx/cms/uploads/attachment/file/265433/Sistema-de-ahorro-para-el-Retiro.pdf>.

## **5.5. Cultural policies**

### **IMMIGRANT\_54: Funding for bilingual education.**

#### **Is there public funding for bilingual education in the language of majoritarian migrant groups?**

Answer: yes

Code: 1

Explanation: Yes, not because of a general law that relates in any way to migrant groups, but because of government programs that have existed intermittently the last 8 years and which happen to fit with the largest immigrant group (US Americans). English is included in the curriculum of Basic Education since 2011 as first foreign language to be taught from pre-school until junior-high school, including indigenous schools (Hernández Fernández 2019). The majoritarian immigrant groups are: US



American, Guatemalan and Spanish, so only English would be relevant here. It is unlikely that the reason for teaching English in public schools is the support of the immigrant population of US Americans resident in Mexico. The main language being taught in schools and for which wide national programs of bilingualism have been launched in the last five years is indeed English, but more than the needs of US American immigrants who reside in Mexico (less than 800,000 as of 2015), the bilingualism responds to imperatives of development identified by Mexican governments, Mexico's geographic position, the general relevance of that language globally, and perhaps to another migrant group: Mexican returnees and their children (Secretaría de Educación Pública and Subsecretaría de Planeación y Evaluación de Políticas Educativa 2015). Furthermore, there are no regulations specifying this, but when the General Law of Education mentions bilingual education, it does not mean the language of an immigrant group, but indigenous languages in Mexico (Art. 58).

Sources: Ley General de Educación [General Law of Education]. 2019. Art. 58. / Nexos. "¿Cuándo tendremos una verdadera política de enseñanza del idioma inglés? [When Will We Have a Real English Language Teaching Policy?]" . Access date not available. <https://educacion.nexos.com.mx/?p=1677>.

#### **IMMIGRANT\_55: Funding for media on main migrant group's language.**

**Is there public funding for media in the language of the main migrant group?**

Answer: no

Code: 0

Explanation: No. Nowhere in the Public System of Radio and TV Diffussion is it explicitly stated that this is a goal, even though inclusion and diversity are stated as goals.

Sources: SPR. "Sistema Público de Radiodifusión del Estado Mexicano [Public Broadcasting System of the Mexican State]". Accessed October 11, 2019. <http://www.spr.gob.mx/>.

## **5.6. Mobility policies**

### **5.6.1. Identity documents**

#### **IMMIGRANT\_56: Confiscation of identification documents.**

**Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Yes, all migrants have the right not to be controlled for their migratory status except by the public authorities of the Migration Institute. "Free transit is a right of every person and it is the duty of any authority to promote and respect it. No person will be required to prove their nationality and immigration status in the national territory, more than by the competent authority in the cases and under the circumstances established in this Law (Art. 7). Only the immigration authorities may retain documentation proving the identity or immigration status of migrants when there are elements to

presume that they are apocryphal, in which case they must immediately inform the competent authorities so that they resolve what is relevant.(Art.17)" \*\*2019 implementation contradicts this.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

**Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Yes, all migrants have the right not to be controlled for their migratory status except by the public authorities of the Migration Institute. "Free transit is a right of every person and it is the duty of any authority to promote and respect it. No person will be required to prove their nationality and immigration status in the national territory, more than by the competent authority in the cases and under the circumstances established in this Law (Art. 7). Only the immigration authorities may retain documentation proving the identity or immigration status of migrants when there are elements to presume that they are apocryphal, in which case they must immediately inform the competent authorities so that they resolve what is relevant.(Art.17)" \*\*2019 implementation contradicts this.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

**Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Yes, all migrants have the right not to be controlled for their migratory status except by the public authorities of the Migration Institute. "Free transit is a right of every person and it is the duty of any authority to promote and respect it. No person will be required to prove their nationality and immigration status in the national territory, more than by the competent authority in the cases and under the circumstances established in this Law (Art. 7). Only the immigration authorities may retain documentation proving the identity or immigration status of migrants when there are elements to presume that they are apocryphal, in which case they must immediately inform the competent authorities so that they resolve what is relevant.(Art.17)" \*\*2019 implementation contradicts this.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

**Do medical doctors have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Yes, all migrants have the right not to be controlled for their migratory status except by the public authorities of the Migration Institute. "Free transit is a right of every person and it is the duty of any authority to promote and respect it. No person will be required to prove their nationality and immigration status in the national territory, more than by the competent authority in the cases and under the circumstances established in this Law (Art. 7). Only the immigration authorities may retain documentation proving the identity or immigration status of migrants when there are elements to presume that they are apocryphal, in which case they must immediately inform the competent authorities so that they resolve what is relevant.(Art.17)" \*\*2019 implementation contradicts this.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

**Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Yes, all migrants have the right not to be controlled for their migratory status except by the public authorities of the Migration Institute. "Free transit is a right of every person and it is the duty of any authority to promote and respect it. No person will be required to prove their nationality and immigration status in the national territory, more than by the competent authority in the cases and under the circumstances established in this Law (Art. 7). Only the immigration authorities may retain documentation proving the identity or immigration status of migrants when there are elements to presume that they are apocryphal, in which case they must immediately inform the competent authorities so that they resolve what is relevant.(Art.17)" \*\*2019 implementation contradicts this.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

## **5.6.2. Freedom of movement**

**IMMIGRANT\_57: Freedom of movement within country.**

**Do asylum seekers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

**Do refugees have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

**Do co-ethnics have the right to move freely within the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to move freely within the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to move freely within the country?**

Answer: no

Code: 0

Explanation: No. Border Workers are limited by their status to the border states in Southern Mexico: Chiapas, Campeche, Tabasco, and Quintana Roo. "The Border Worker Card authorizes the foreigner national of the countries with which Mexico shares territorial limits, to remain for up to one year in the federal entities determined by the Secretariat".

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Gobierno de México. “Tarjeta de visitante trabajador fronterizo [Border Worker Visitor's Card]”. Access date not available. <https://www.gob.mx/tramites/ficha/tarjeta-de-visitante-trabajador-fronterizo/INM275>.

### **Do medical doctors have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

### **Do permanent residents have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Permanent residents are able to move freely within the country.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 7 and 17.

### **IMMIGRANT\_58: Freedom to move outside the country.**

#### **Do asylum seekers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, visitors for humanitarian reasons are “authorized to remain in the country until the process is completed ...with the right to enter and leave the country as many times as (they) wish and with permission to work in exchange for a remuneration in the country”. \*\*as of 2019 implementation contradicts this in “estancias migratorias” and detention of migrants.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Consejo Ciudadano del Instituto Nacional de Migración. “Personas en detención migratoria en México - Misión de monitoreo de estaciones migratorias y estancias provisionales del Instituto Nacional de Migración [Persons in Migratory Detention in Mexico - Mission of Monitoring of Migratory Stations and Provisional Stays of the National Institute of Migration]”. Access date not available. [https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT\\_CESCR\\_CSS\\_MEX\\_28755\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT_CESCR_CSS_MEX_28755_S.pdf). / The New York Times. “Las pésimas condiciones de los centros de detención de migrantes en México [Mexico's Migrant Detention Centers in Appalling Conditions]”. Access date not available. <https://www.nytimes.com/es/2019/08/05/mexico-centros-detencion-migrantes/>.

#### **Number of months of absence allowed per year (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Yes, visitors for humanitarian reasons are “authorized to remain in the country until the process is completed ...with the right to enter and leave the country as many times as (they) wish and with permission to work in exchange for a remuneration in the country”. \*\*as of 2019 implementation contradicts this in “estancias migratorias” and detention of migrants.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52. / Consejo Ciudadano del Instituto Nacional de Migración. “Personas en detención migratoria en México - Misión de monitoreo de estaciones migratorias y estancias provisionales del Instituto Nacional de Migración [Persons in Migratory Detention in Mexico - Mission of Monitoring of Migratory Stations and Provisional Stays of the National Institute of Migration]”. Acces date not available. [https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT\\_CESCR\\_CSS\\_MEX\\_28755\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT_CESCR_CSS_MEX_28755_S.pdf). / The New York Times. “Las pésimas condiciones de los centros de detención de migrantes en México [Mexico's Migrant Detention Centers in Appalling Conditions]”. Access date not available. <https://www.nytimes.com/es/2019/08/05/mexico-centros-detencion-migrantes/>.

### **Do refugees have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, as permanent residents they can enter and leave as they wish.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 54.

### **Number of months of absence allowed per year (refugees):**

Answer: Not applicable

Code: Not applicable

Explanation: As permanent residents they can enter and leave as they wish.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 54.

### **Do co-ethnics have the right to leave the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Number of months of absence allowed per year (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to leave the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of months of absence allowed per year (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes: the border worker visitor can work in exchange for remuneration in the country, in the activity related to the job offer he has and with the right to enter and leave the national territory as many times as he wishes (Art. 52, IV).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52.

**Number of months of absence allowed per year (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: The border worker visitor can work in exchange for remuneration in the country, in the activity related to the job offer he has and with the right to enter and leave the national territory as many times as he wishes (Art. 52, IV).

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52.

**Do medical doctors have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, a temporary resident may remain in the country for a period not exceeding four years, with the possibility of obtaining a permit to work in exchange for remuneration in the country, subject to an offer of employment with the right to enter and leave the national territory as many times as wished and entitled to the preservation of the family unit.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52.

**Number of months of absence allowed per year (medical doctors):**

Answer: Not applicable

Code: Not applicable

Explanation: A temporary resident may remain in the country for a period not exceeding four years, with the possibility of obtaining a permit to work in exchange for remuneration in the country, subject to an offer of employment with the right to enter and leave the national territory as many times as wished and entitled to the preservation of the family unit.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52.

**Do permanent residents have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Permanent residents are able to enter and leave as they wish.

Sources: Ley de Migración [Migration Law]. 2011 (2018). Art. 52.

**Number of months of absence allowed per year (permanent residents):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **5.6.3. Obligations**



#### 5.6.4. Military service

##### IMMIGRANT\_59: Military service.

###### Do asylum seekers have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No; military service is obligatory for (male) Mexicans only and voluntary for Mexican women, including Mexican emigrants, unless in the case of international war; then, foreigners will also be recruited: "ARTICLE 1.- In accordance with the provisions of article 5 of the Political Constitution of the United Mexican States, the service of weapons for all Mexicans by birth or naturalization is declared mandatory and public order, who will render it in the Army or in the Navy, as soldiers, classes or officers, in accordance with their abilities and aptitudes. In the event of international war, the Military Service will also be mandatory for foreigners, nationals of the co-igerent countries of Mexico, who reside in the Republic. To foreigners who must provide military services in Mexico, all provisions of this Law and its Regulations will be applied, as if they were Mexican; except as stipulated or what may be stipulated in this regard, in international agreements or conventions".

Sources: Ley del Servicio Militar [Military Service Law]. 1940 (2017). Art. 1. / Gobierno de México. "Fases del servicio militar nacional [Phases of National Military Service]". Access date not available. <http://www.gob.mx/sedena/acciones-y-programas/fases-del-servicio-militar-nacional>.

###### Do refugees have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No; military service is obligatory for (male) Mexicans only and voluntary for Mexican women, including Mexican emigrants, unless in the case of international war; then, foreigners will also be recruited: "ARTICLE 1.- In accordance with the provisions of article 5 of the Political Constitution of the United Mexican States, the service of weapons for all Mexicans by birth or naturalization is declared mandatory and public order, who will render it in the Army or in the Navy, as soldiers, classes or officers, in accordance with their abilities and aptitudes. In the event of international war, the Military Service will also be mandatory for foreigners, nationals of the co-belligerent countries of Mexico, who reside in the Republic. To foreigners who must provide military services in Mexico, all provisions of this Law and its Regulations will be applied, as if they were Mexican; except as stipulated or what may be stipulated in this regard, in international agreements or conventions".

Sources: Ley del Servicio Militar [Military Service Law]. 1940 (2017). Art. 1. / Gobierno de México. "Fases del servicio militar nacional [Phases of National Military Service]". Access date not available. <http://www.gob.mx/sedena/acciones-y-programas/fases-del-servicio-militar-nacional>.

###### Do co-ethnics have the obligation to comply with military service?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do domestic workers have the obligation to comply with military service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do agricultural workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No; military service is obligatory for (male) Mexicans only and voluntary for Mexican women, including Mexican emigrants, unless in the case of international war; then, foreigners will also be recruited: "ARTICLE 1.- In accordance with the provisions of article 5 of the Political Constitution of the United Mexican States, the service of weapons for all Mexicans by birth or naturalization is declared mandatory and public order, who will render it in the Army or in the Navy, as soldiers, classes or officers, in accordance with their abilities and aptitudes. In the event of international war, the Military Service will also be mandatory for foreigners, nationals of the co-belligerent countries of Mexico, who reside in the Republic. To foreigners who must provide military services in Mexico, all provisions of this Law and its Regulations will be applied, as if they were Mexican; except as stipulated or what may be stipulated in this regard, in international agreements or conventions".

Sources: Ley del Servicio Militar [Military Service Law]. 1940 (2017). Art. 1. / Gobierno de México. "Fases del servicio militar nacional [Phases of National Military Service]". Access date not available. <http://www.gob.mx/sedena/acciones-y-programas/fases-del-servicio-militar-nacional>.

### **Do medical doctors have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No; military service is obligatory for (male) Mexicans only and voluntary for Mexican women, including Mexican emigrants, unless in the case of international war; then, foreigners will also be recruited: "ARTICLE 1.- In accordance with the provisions of article 5 of the Political Constitution of the United Mexican States, the service of weapons for all Mexicans by birth or naturalization is declared mandatory and public order, who will render it in the Army or in the Navy, as soldiers, classes or officers, in accordance with their abilities and aptitudes. In the event of international war, the Military Service will also be mandatory for foreigners, nationals of the co-belligerent countries of Mexico, who reside in the Republic. To foreigners who must provide military services in Mexico, all provisions of this Law and its Regulations will be applied, as if they were Mexican; except as stipulated or what may be stipulated in this regard, in international agreements or conventions".

Sources: Ley del Servicio Militar [Military Service Law]. 1940 (2017). Art. 1. / Gobierno de México. "Fases del servicio militar nacional [Phases of National Military Service]". Access date not available. <http://www.gob.mx/sedena/acciones-y-programas/fases-del-servicio-militar-nacional>.

### **Do permanent residents have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: No; military service is obligatory for (male) Mexicans only and voluntary for Mexican women, including Mexican emigrants, unless in the case of international war; then, foreigners will also be recruited: "ARTICLE 1.- In accordance with the provisions of article 5 of the Political Constitution of the United Mexican States, the service of weapons for all Mexicans by birth or naturalization is declared mandatory and public order, who will render it in the Army or in the Navy, as soldiers, classes or officers, in accordance with their abilities and aptitudes. In the event of international war, the Military Service will also be mandatory for foreigners, nationals of the co-belligerent countries of Mexico, who reside in the Republic. To foreigners who must provide military services in Mexico, all provisions of this Law and its Regulations will be applied, as if they were Mexican; except as stipulated or what may be stipulated in this regard, in international agreements or conventions".

Sources: Ley del Servicio Militar [Military Service Law]. 1940 (2017). Art. 1. / Gobierno de México. "Fases del servicio militar nacional [Phases of National Military Service]". Access date not available. <http://www.gob.mx/sedena/acciones-y-programas/fases-del-servicio-militar-nacional>.

## **5.6.5. Social service**

### **IMMIGRANT\_60: Social service.**

#### **Do asylum seekers have the obligation to comply with social service?**

Answer: social service mandatory for citizens and non-citizens

Code: 1

Explanation: In Mexico social service is an obligation of any student from higher education institutions in Mexico who intends to graduate, regardless of nationality: "Article 2.- Students of higher education institutions will provide social service on a temporary and mandatory basis, as a prerequisite to obtain the corresponding academic degree or degree."

Sources: Reglamento para la prestación del servicio social de los estudiantes de las instituciones de educación superior en la República Mexicana [Regulations for the Provision of Social Service by Students of Institutions of Higher Education in the Mexican Republic]. 1981. Art. 2.

#### **Do refugees have the obligation to comply with social service?**

Answer: social service mandatory for citizens and non-citizens

Code: 1

Explanation: In Mexico social service is an obligation of any student from higher education institutions in Mexico who intends to graduate, regardless of nationality: "Article 2.- Students of higher education institutions will provide social service on a temporary and mandatory basis, as a prerequisite to obtain the corresponding academic degree or degree".

Sources: Reglamento para la prestación del servicio social de los estudiantes de las instituciones de educación superior en la República Mexicana [Regulations for the Provision of Social Service by Students of Institutions of Higher Education in the Mexican Republic]. 1981. Art. 2.

### **Do co-ethnics have the obligation to comply with social service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do domestic workers have the obligation to comply with social service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do agricultural workers have the obligation to comply with social service?**

Answer: social service mandatory for citizens and non-citizens

Code: 1

Explanation: In Mexico social service is an obligation of any student from higher education institutions in Mexico who intends to graduate, regardless of nationality: "Article 2.- Students of higher education institutions will provide social service on a temporary and mandatory basis, as a prerequisite to obtain the corresponding academic degree or degree".

Sources: Reglamento para la prestación del servicio social de los estudiantes de las instituciones de educación superior en la República Mexicana [Regulations for the Provision of Social Service by Students of Institutions of Higher Education in the Mexican Republic]. 1981. Art. 2.

### **Do medical doctors have the obligation to comply with social service?**

Answer: social service mandatory for citizens and non-citizens

Code: 1

Explanation: In Mexico social service is an obligation of any student from higher education institutions in Mexico who intends to graduate, regardless of nationality: "Article 2.- Students of higher education institutions will provide social service on a temporary and mandatory basis, as a prerequisite to obtain the corresponding academic degree or degree".

Sources: Reglamento para la prestación del servicio social de los estudiantes de las instituciones de educación superior en la República Mexicana [Regulations for the Provision of Social Service by Students of Institutions of Higher Education in the Mexican Republic]. 1981. Art. 2.

### **Do permanent residents have the obligation to comply with social service?**

Answer: social service mandatory for citizens and non-citizens

Code: 1

Explanation: In Mexico social service is an obligation of any student from higher education institutions in Mexico who intends to graduate, regardless of nationality: "Article 2.- Students of higher education institutions will provide social service on a temporary and mandatory basis, as a prerequisite to obtain the corresponding academic degree or degree".

Sources: Reglamento para la prestación del servicio social de los estudiantes de las instituciones de educación superior en la República Mexicana [Regulations for the Provision of Social Service by Students of Institutions of Higher Education in the Mexican Republic]. 1981. Art. 2.

## **5.6.6. Taxes**

### **IMMIGRANT\_61: Income taxes.**

#### **Do asylum seekers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Anyone who receives a salary, rents, income or source of riches in Mexico is liable to pay income taxes, independent of residence in the country or nationality. "When you earn income in Mexico for any of the following items you must pay ISR: Salaries; fee; remuneration to board members, administrators, commissioners and managers; leasing of real estate and furniture; timeshare tourist service contracts; disposal of shares; financial leasing; royalties, technical assistance and publicity; interests; awards; artistic, sports or public entertainment activities; distributable remnant of moral persons for non-profit purposes; dividends, profits, remittances and profits distributed by legal entities; sale of real estate; construction of works, installation, maintenance or assembly in real estate, inspection or supervision and other income".

Sources: Gobierno de México. "En qué casos debes pagar el impuesto sobre la renta [In Which Cases You Must Pay Income Tax]". Access date not available. <https://www.sat.gob.mx/consulta/06711/en-que-casos-debes-pagar-el-impuesto-sobre-la-renta>.

#### **Do refugees have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Anyone who receives a salary, rents, income or source of riches in Mexico is liable to pay income taxes, independent of residence in the country or nationality. "When you earn income in

Mexico for any of the following items you must pay ISR: Salaries; fee; remuneration to board members, administrators, commissioners and managers; leasing of real estate and furniture; timeshare tourist service contracts; disposal of shares; financial leasing; royalties, technical assistance and publicity; interests; awards; artistic, sports or public entertainment activities; distributable remnant of moral persons for non-profit purposes; dividends, profits, remittances and profits distributed by legal entities; sale of real estate; construction of works, installation, maintenance or assembly in real estate, inspection or supervision and other income.”

Sources: Gobierno de México. “En qué casos debes pagar el impuesto sobre la renta [In Which Cases You Must Pay Income Tax]”. Access date not available. <https://www.sat.gob.mx/consulta/06711/en-que-casos-debes-pagar-el-impuesto-sobre-la-renta>.

### **Do co-ethnics have to pay income taxes in state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do domestic workers have to pay income taxes in state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do agricultural workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Anyone who receives a salary, rents, income or source of riches in Mexico is liable to pay income taxes, independent of residence in the country or nationality. “When you earn income in Mexico for any of the following items you must pay ISR: Salaries; fee; remuneration to board members, administrators, commissioners and managers; leasing of real estate and furniture; timeshare tourist service contracts; disposal of shares; financial leasing; royalties, technical assistance and publicity; interests; awards; artistic, sports or public entertainment activities; distributable remnant of moral persons for non-profit purposes; dividends, profits, remittances and profits distributed by legal entities; sale of real estate; construction of works, installation, maintenance or assembly in real estate, inspection or supervision and other income”.

Sources: Gobierno de México. “En qué casos debes pagar el impuesto sobre la renta [In Which Cases You Must Pay Income Tax]”. Access date not available. <https://www.sat.gob.mx/consulta/06711/en-que-casos-debes-pagar-el-impuesto-sobre-la-renta>.

### **Do medical doctors have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Anyone who receives a salary, rents, income or source of riches in Mexico is liable to pay income taxes, independent of residence in the country or nationality. "When you earn income in Mexico for any of the following items you must pay ISR: Salaries; fee; remuneration to board members, administrators, commissioners and managers; leasing of real estate and furniture; timeshare tourist service contracts; disposal of shares; financial leasing; royalties, technical assistance and publicity; interests; awards; artistic, sports or public entertainment activities; distributable remnant of moral persons for non-profit purposes; dividends, profits, remittances and profits distributed by legal entities; sale of real estate; construction of works, installation, maintenance or assembly in real estate, inspection or supervision and other income".

Sources: Gobierno de México. "En qué casos debes pagar el impuesto sobre la renta [In Which Cases You Must Pay Income Tax]". Access date not available. <https://www.sat.gob.mx/consulta/06711/en-que-casos-debes-pagar-el-impuesto-sobre-la-renta>.

### **Do permanent residents have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Anyone who receives a salary, rents, income or source of riches in Mexico is liable to pay income taxes, independent of residence in the country or nationality. "When you earn income in Mexico for any of the following items you must pay ISR: Salaries; fee; remuneration to board members, administrators, commissioners and managers; leasing of real estate and furniture; timeshare tourist service contracts; disposal of shares; financial leasing; royalties, technical assistance and publicity; interests; awards; artistic, sports or public entertainment activities; distributable remnant of moral persons for non-profit purposes; dividends, profits, remittances and profits distributed by legal entities; sale of real estate; construction of works, installation, maintenance or assembly in real estate, inspection or supervision and other income".

Sources: Gobierno de México. "En qué casos debes pagar el impuesto sobre la renta [In Which Cases You Must Pay Income Tax]". Access date not available. <https://www.sat.gob.mx/consulta/06711/en-que-casos-debes-pagar-el-impuesto-sobre-la-renta>.

## **5.7. Administration**

### **IMMIGRANT\_62: Existence of immigrant integration agency in state of reception.**

#### **Existence of institution/agency with competencies for immigrant policies:**

Answer: no

Code: 0

Explanation: Mexico does not have an administration organ to deal with the integration of resident migrants. The Ministry of Interior (Secretaría de Gobernación) for the design of migratory policies in general, and the National Institute of Migration (Instituto Nacional de Migración) for its implementation,

sharing some competences with the Ministry of Foreign Affairs (Secretaría de Relaciones Exteriores) which legally used to deal with all matters regulated at an international level and with emigrant policies, but as of 2019 has de facto greatly expanded its command over immigration and immigrant issues.

Sources: Ley de Migración [Migration Law]. 2011 (2018).

**Name of the institution with competencies for immigrant policies in original language:**

Answer: Not applicable

**Name of the institution with competencies for immigrant policies in English:**

Answer: Not applicable

**Access to antidiscrimination body.**

**Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):**

Answer: Yes

Code: 1

Explanation: Yes. By law, the antidiscrimination body is CONAPRED, the National Council to Prevent Discrimination (Consejo Nacional para Prevenir la Discriminación). The Law to prevent and eliminate discrimination defines discrimination by making explicit reference to nationality and migratory status: "Discrimination: For the purposes of this law, discrimination shall be understood as any distinction, exclusion, restriction or preference that, by action or omission, intentionally or without it, is not objective, rational or proportional and has as its object or result hinder, restrict, prevent, undermine or cancel the recognition, enjoyment or exercise of human rights and freedoms, when based on one or more of the following reasons: ethnic or national origin, skin color, culture, sex, gender, age, disabilities, social, economic, health or legal status, religion, physical appearance, genetic characteristics, immigration status, pregnancy, language, opinions, sexual preferences, identity or political affiliation, Marital status, family status, family responsibilities, language, criminal records or any other reason. Discrimination will also be understood as homophobia, misogyny, any manifestation of xenophobia, racial segregation, anti-Semitism, as well as racial discrimination and other related intolerance" (Art. 1, III).

Sources: Ley Federal para Prevenir y Eliminar la Discriminación [Federal Law to Prevent and Eliminate Discrimination]. 2003 (2018). Art. 1.



## 6. Immigrant citizenship and nationality

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### 6.1. Immigrant nationality

#### 6.1.1. Immigrant dual nationality

##### IMNAT\_1: Renunciation of previous nationality.

**Does the country require applicants to naturalization by residence to renounce their previous nationality?**

Answer: Yes

Code: 0

Explanation: Yes. "Article 19.-The foreigner who intends to naturalize Mexican shall: I. Submit a request to the Secretariat in which he / she expresses his / her willingness to acquire Mexican nationality; II. Formulate the renunciations and protests referred to in article 17 of this ordinance. The Secretariat may not require that such resignations and protests be made until the decision to grant the nationality to the applicant has been made. The naturalization letter will be granted once it is verified that these have been verified.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 19.

**Citizenship can be withdrawn only if person resides outside the country:**

Answer: No

Code: 0

Explanation: "Article 19.-The foreigner who intends to naturalize Mexican shall: I. Submit a request to the Secretariat in which he / she expresses his / her willingness to acquire Mexican nationality; II. Formulate the renunciations and protests referred to in article 17 of this ordinance. The Secretariat may not require that such resignations and protests be made until the decision to grant the nationality to the applicant has been made. The naturalization letter will be granted once it is verified that these have been verified.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 19.

**Are there exceptions?**

Answer: No exceptions

Code: 4

Explanation: Yes. "Article 19.-The foreigner who intends to naturalize Mexican shall: I. Submit a request to the Secretariat in which he / she expresses his / her willingness to acquire Mexican nationality; II. Formulate the renunciations and protests referred to in article 17 of this ordinance. The Secretariat may not require that such resignations and protests be made until the decision to grant the nationality to the applicant has been made. The naturalization letter will be granted once it is verified that these have been verified.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 19.

#### **IMNAT\_1\_1: Sanctions.**

**Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?**

Answer: Yes

Code: 1

Explanation: Yes. Naturalization is nullified. "Article 26.- The Secretariat shall declare, after hearing the interested party, the nullity of the letter of naturalization when issued without complying with the requirements or in violation of this Law".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 26.

### **6.1.2. Emigrant dual nationality for immigrants who naturalized**

#### **IMNAT\_2: Emigrant dual nationality for naturalized immigrants.**

**Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?**

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: Art. 37 of the Constitution states clearly that: "B) Mexican nationality by naturalization will be lost in the following cases: I. By voluntary acquisition of a foreign nationality, by impersonating any public instrument as a foreigner, for using a foreign passport, or for accepting or using noble titles that imply submission to a foreign State, and II. For residing for five continuous years abroad".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 37.

### **6.1.3. Loss of nationality after residence abroad for naturalized immigrants**

#### **IMNAT\_3: Loss after residence abroad for naturalized immigrants**

**For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad**

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: Art. 37 of the Constitution states clearly that: “B) Mexican nationality by naturalization will be lost in the following cases: I. By voluntary acquisition of a foreign nationality, by impersonating any public instrument as a foreigner, for using a foreign passport, or for accepting or using noble titles that imply submission to a foreign State, and II. For residing for five continuous years abroad”.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 37.

#### **After how many years abroad?**

Answer: 5

Code: 5

Explanation: Art. 37 of the Constitution states clearly that: “B) Mexican nationality by naturalization will be lost in the following cases: I. By voluntary acquisition of a foreign nationality, by impersonating any public instrument as a foreigner, for using a foreign passport, or for accepting or using noble titles that imply submission to a foreign State, and II. For residing for five continuous years abroad”.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 37.

### **6.1.4. Unrestrictive jus soli**

#### **IMNAT\_4: Unrestrictive jus soli.**

**Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?**

Answer: Yes

Code: 1

Explanation: “Article 30. Mexican nationality is acquired by birth or by naturalization. A) Mexicans by birth are: I. Those born in the territory of the Republic, regardless of the nationality of their parents...”

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 30.

### **6.1.5. Qualified jus soli**

#### **IMNAT\_5: Qualified jus soli.**

**Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?**

Answer: No

Code: 0

Explanation: No, jus soli is unrestrictive and unconditional in Mexican laws.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014).

### 6.1.6. Standard naturalization procedure for immigrants due to residence

**IMNAT\_6: Ordinary naturalization.**

**Does the country provide for standard naturalization procedure for immigrants due to residence in it?**

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: "Article 19.- The foreigner who intends to naturalize Mexican shall: I. Submit an application to the Secretariat stating your willingness to acquire Mexican nationality; II. Formulate the renunciations referred to in article 17 of this law; The Secretariat may not require that such waivers and protests be made until the decision to grant the nationality to the applicant is made. The naturalization card will be granted once these have been verified. III. Prove that he knows how to speak Spanish, knows the history of the country and is integrated into the national culture; IV. Prove that has resided in the national territory for the corresponding period according to Article 20 of this Law. Article 20.- The foreigner who intends to naturalize as a Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of the request, except as provided in the following sections..." For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 19, 17 and 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

**Number of years of residence required for naturalization:**

Answer: 5

Code: 5

Explanation: 5 years is required. "Article 19.- The foreigner who intends to naturalize Mexican shall: I. Submit an application to the Secretariat stating your willingness to acquire Mexican nationality; II. Formulate the renunciations referred to in article 17 of this law; The Secretariat may not require that such waivers and protests be made until the decision to grant the nationality to the applicant is made. The naturalization card will be granted once these have been verified. III. Prove that he knows how to speak Spanish, knows the history of the country and is integrated into the national culture; IV. Prove that has resided in the national territory for the corresponding period according to Article 20 of this Law. Article 20.- The foreigner who intends to naturalize as a Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of the request, except as provided in the following sections..." For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 19, 17 and 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

**Number of continuous years of residence required for naturalization:**

Answer: 5

Code: 5

Explanation: "Article 19.- The foreigner who intends to naturalize Mexican shall: I. Submit an application to the Secretariat stating your willingness to acquire Mexican nationality; II. Formulate the renunciations referred to in article 17 of this law; The Secretariat may not require that such waivers and protests be made until the decision to grant the nationality to the applicant is made. The naturalization card will be granted once these have been verified. III. Prove that he knows how to speak Spanish, knows the history of the country and is integrated into the national culture; IV. Prove that has resided in the national territory for the corresponding period according to Article 20 of this Law. Article 20.- The foreigner who intends to naturalize as a Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of the request, except as provided in the following sections..." For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 19, 17 and 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

**Permanent residence status is required for naturalization:**

Answer: No

Code: 0

Explanation: "Article 19.- The foreigner who intends to naturalize Mexican shall: I. Submit an application to the Secretariat stating your willingness to acquire Mexican nationality; II. Formulate the renunciations referred to in article 17 of this law; The Secretariat may not require that such waivers and protests be made until the decision to grant the nationality to the applicant is made. The naturalization card will be granted once these have been verified. III. Prove that he knows how to speak Spanish, knows the history of the country and is integrated into the national culture; IV. Prove that has resided in the national territory for the corresponding period according to Article 20 of this Law. Article 20.- The foreigner who intends to naturalize as a Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of the request, except as provided in the following sections..." For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 19, 17 and 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

**Renunciation of previous nationality is required:**

Answer: No exceptions to renunciation requirement specified in law

Code: 1

Explanation: Yes. "Article 19.-The foreigner who intends to naturalize Mexican shall: I. Submit a request to the Secretariat in which he / she expresses his / her willingness to acquire Mexican nationality; II. Formulate the renunciations and protests referred to in article 17 of this ordinance. The Secretariat may not require that such resignations and protests be made until the decision to grant the nationality to the applicant has been made. The naturalization letter will be granted once it is verified that these have been verified.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 17 and 19.

#### **Language condition for naturalization:**

Answer: Without tests or certification and discretionary assessment of level of competence or with certification and specified level of competence at A2

Code: 0.5

Explanation: "Article 19.- The foreigner who intends to naturalize Mexican shall: I. Submit an application to the Secretariat stating your willingness to acquire Mexican nationality; II. Formulate the renunciations referred to in article 17 of this law; The Secretariat may not require that such waivers and protests be made until the decision to grant the nationality to the applicant is made. The naturalization card will be granted once these have been verified. III. Prove that he knows how to speak Spanish, knows the history of the country and is integrated into the national culture; IV. Prove that has resided in the national territory for the corresponding period according to Article 20 of this Law. Article 20.- The foreigner who intends to naturalize as a Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of the request, except as provided in the following sections..." For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 17, 19 and 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

#### **Civil knowledge is a requisite for naturalization:**

Answer: Language general cultural integration/assimilation condition, also if assessed informally during an interview

Code: 0.25

Explanation: "Article 19.- The foreigner who intends to naturalize Mexican shall: I. Submit an application to the Secretariat stating your willingness to acquire Mexican nationality; II. Formulate the renunciations referred to in article 17 of this law; The Secretariat may not require that such waivers and protests be made until the decision to grant the nationality to the applicant is made. The naturalization card will be granted once these have been verified. III. Prove that he knows how to speak Spanish, knows the history of the country and is integrated into the national culture; IV. Prove that has resided in the national territory for the corresponding period according to Article 20 of this Law. Article 20.- The foreigner who intends to naturalize as a Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of the request, except as provided in the following sections..." For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 17, 19 and 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

**Clean criminal record is a requisite:**

Answer: Absence of criminal sentences or misdemeanors punishable with 3 months or less (or equivalent penalty)

Code: 1

Explanation: "Article 19.- The foreigner who intends to naturalize Mexican shall: I. Submit an application to the Secretariat stating your willingness to acquire Mexican nationality; II. Formulate the renunciations referred to in article 17 of this law; The Secretariat may not require that such waivers and protests be made until the decision to grant the nationality to the applicant is made. The naturalization card will be granted once these have been verified. III. Prove that he knows how to speak Spanish, knows the history of the country and is integrated into the national culture; IV. Prove that has resided in the national territory for the corresponding period according to Article 20 of this Law. Article 20.- The foreigner who intends to naturalize as a Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of the request, except as provided in the following sections..." For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish." As well, applicants must submit a certificate of no criminal record issued by a competent authority at the local/federal level depending on the place of residence.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 17, 19 and 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

**Economic resources as requisite for naturalization:**

Answer: No requirement on income, employment, or welfare dependency

Code: 0

Explanation: "Article 19.- The foreigner who intends to naturalize Mexican shall: I. Submit an application to the Secretariat stating your willingness to acquire Mexican nationality; II. Formulate the renunciations referred to in article 17 of this law; The Secretariat may not require that such waivers and protests be made until the decision to grant the nationality to the applicant is made. The naturalization card will be granted once these have been verified. III. Prove that he knows how to speak Spanish, knows the history of the country and is integrated into the national culture; IV. Prove that has resided in the national territory for the corresponding period according to Article 20 of this Law. Article 20.- The foreigner who intends to naturalize as a Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of the request, except as provided in the following sections..." For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 17, 19 and 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

### **6.1.7. Socialization based acquisition of citizenship**

**IMNAT\_7: Naturalization by socialization.**

**Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?**

Answer: No provision

Code: 0

Explanation: No provision on this in the Nationality Law.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012).

### **6.1.8. Special procedure for immigrants with very long residence in country**

**IMNAT\_8: Long residence.**

**Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?**

Answer: No

Code: 0

Explanation: No provision on this in the Nationality Law.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012).

### **6.1.9. Preferential naturalization for immigrants from specific countries**

**IMNAT\_9: Preferential naturalization by country.**

**Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?**

Answer: Yes

Code: 1

Explanation: Yes, a shorter residence period before naturalization. "I. A two-year residence immediately prior to the date of the application will be sufficient when the interested: ... c) is originary from a Latin American country or the Iberian Peninsula".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 20.



### **6.1.10. Cultural affinity/Ethnic ties**

**IMNAT\_10: Preferential naturalization due to cultural or ethnic ties.**

**Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?**

Answer: No

Code: 0

Explanation: No, there is no provision on this in the Law, on the general base of culture or ethnicity.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012).

### **6.1.11. Spousal transfer**

**IMNAT\_11: Spousal transfer.**

**Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: By naturalization: "B) Mexican by naturalization are: ...II. Foreign women or men who marry male or female Mexicans, who have or establish their domicile within the national territory and comply with the other requirements established by law. (Art. 30, Constitución)" The Nationality Law specifies further conditions: "II. Foreign women or men who marry a Mexican man or woman must prove that they have resided and lived together in the conjugal domicile established in national territory, during the two years immediately prior to the date of the request. It will not be necessary that the marital domicile be established in national territory, when the spouse Mexican is based abroad by commission or commission of the Mexican Government. In the case of marriages between foreigners, the acquisition of Mexican nationality by one of the spouses after the marriage, it will allow the other to obtain said nationality, provided that it meets the requirements of this section..." (Artl 20, II Ley de Nacionalidad) "Article 21.- Temporary absences from the country will not interrupt residence, unless these happen during the two years prior to the submission of the application and exceed a total of six months. The residence referred to in section III of the previous article must be uninterrupted. (Ley de Nacionalidad)".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 30. / Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 20 and 21.

### **6.1.12. Filial transfer**

**IMNAT\_12: Filial transfer.**

**Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?**

Answer: No

Code: 0

Explanation: No provision on this in the Nationality Law.

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012).

### **6.1.13. Special naturalization for refugees**

**IMNAT\_13: Refugees.**

**Does the country facilitate the acquisition of nationality by a refugee in its territory?**

Answer: Yes

Code: 1

Explanation: Yes, a shorter residence period before naturalization and no need to know Mexico's history and culture. For refugees, minors and elderly, the wait is shorter: "Art. 15: ... In the case of a foreigner whom the Interior Ministry considers refugee, as well as when in the case of minors and persons over sixty years of age, it will be sufficient to prove they know speak Spanish".

Sources: Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 15.

### **6.1.14. Naturalization for special achievements/talents**

**IMNAT\_14: Special talents.**

**Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?**

Answer: Yes

Code: 1

Explanation: To persons who, "In the opinion of the Secretariat, rendered services or carried out outstanding works in cultural, social, scientific, technical, artistic, sports or business matters that benefit the Nation. In exceptional cases, in the judgment of the Head of the Federal Executive, it will not be necessary for the foreigner to prove residence in the national territory referred to in this section".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 20.

### **6.1.15. Naturalization due to investment/financial assets**

#### **IMNAT\_15: Special talents.**

**Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?**

Answer: No

Code: 0

Explanation: No [different to GLOBALCIT, as we do not consider that the Art. 20, I, d of the Nationality Law (see answer to IMNAT\_14) specifies a financial asset or investment that makes the possibility to acquire nationality truly general].

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 20.

### **6.1.16. Transfer to other relatives**

#### **IMNAT\_16: Transfer to other relatives.**

**Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?**

Answer: Yes

Code: 1

Explanation: To a person who have been resident in Mexico for 2 years and is a direct descendant of a citizen by birth (exemption from residence requirement is possible under certain circumstances), or has Mexican children who are citizens by birth. No residence requirement applies if the person is a second-degree descendant of a citizen by birth, and neither has another citizenship nor is recognised by another state: "Article 20.- The foreigner who intends to naturalize Mexican must prove that he has resided in national territory at least during the last five years immediately prior to the date of its request, except as provided in the following sections: I. A two-year residence immediately prior to the date of the application will be sufficient when the interested: a) Be a straight descendant of a Mexican by birth; They will be exempt from verifying the residence established by section I, those descendants in a straight line in the second grade of a Mexican by birth, as long as you don't have another nationality at the time of the request; or the rights acquired from it are not recognized from his birth... (added DOF 04-23-2012). b) Have Mexican children by birth".

Sources: Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 20. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 17.

### **6.1.17. Nationality for the stateless**

#### **IMNAT\_17: Stateless.**

**Does the country facilitate the naturalization of a stateless person in its territory?**

Answer: No

Code: 0

Explanation: No provision on naturalization for the stateless in either the Constitution or the Nationality Law or its Regulation.

Sources: Not applicable

**6.1.18. Nationality for regularized immigrants**

**IMNAT\_18: Regularization.**

**Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?**

Answer: No differentiation

Code: 0.5

Explanation: No such provision on naturalization for regularized migrants in either the Constitution or the Nationality Law or its Regulation.

Sources: Not applicable

**6.1.19. Naturalization possible even if applicant had irregular status before**

**IMNAT\_19: Irregular status.**

**Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?**

Answer: No

Code: 0

Explanation: No such provision on naturalization for the people who had irregular status before in either the Constitution or the Nationality Law or its Regulation.

Sources: Not applicable

## 6.2. Immigrant citizenship

### 6.2.1. Restrictions on citizenship for naturalized immigrants

#### IMCIT\_1: Restrictions for naturalized immigrants.

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?**

Answer: Yes

Code: 1

Explanation: Yes, some high positions in public office at the federal level (but not all passive political-electoral rights) are reserved for Mexicans by origin. Where the law makes no further distinctions, it is supposed that these do not exist. Citizens by naturalization can be declared citizens of the states of the federation and become, for instance, mayor.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014).

#### For how long are the restrictions applied?

Answer: Indefinitely

Code: 0

Explanation: Yes; not with this exact configuration, as it is virtually impossible, but there is a restriction either way for naturalized immigrants and for dual nationals. It is virtually impossible to keep the nationality of origin and access Mexican nationality (thus no naturalized Mexican should be in the position to be a dual national). The restrictions that apply are the same as for naturalized Mexicans. However, even Mexicans by origin who are dual nationals (for having acquired nationality elsewhere and not being able to lose/renounce Mexican nationality by origin) confront restrictions to exercise public positions and must first get a certificate of nationality before they can run for office in several positions and serve in the public administration. "Article 32. The Law shall regulate the exercise of the rights granted by Mexican legislation to the Mexicans who have another nationality and will establish rules to avoid double conflicts nationality. The exercise of the positions and functions for which, by provision of this Constitution, is requires being Mexican by birth, is reserved for those who have that quality and do not acquire another nationality. This reservation will also be applicable to the cases indicated by other laws of the Congress. In peacetime, no foreigner may serve in the Army, nor in the police or security forces public. To belong to the Army in peacetime and that of the Navy or that of the Air Force at all times, or perform any position or commission in them, it is required to be Mexican by birth. This same quality will be indispensable in captains, pilots, employers, machinists, mechanics and, of in a general way, for all personnel that crew any vessel or aircraft that covers With the Mexican merchant flag or badge. It will also be necessary to perform the positions of Harbor captain and all pilot services and aerodrome commander." (Constitution 1917). "II. Mexican nationality certificate: Legal instrument by which nationality is recognized Mexican by birth and that no other nationality has been acquired" (Art. 2, II of the Ley de Nacionalidad) "Art. 11.- Mexicans by birth whom another State also considers as their nationals and who intend to access the exercise of any position or function for which it is required to have only Mexican nationality by birth, must process their Mexican Nationality Certificate before the Secretariat and perform in writing the resignations and protests referred to in article 17 of the Law." (Reglamento de la Ley de Nacionalidad).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 2. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 11.

### **Do the restrictions apply to electoral rights?**

Answer: Yes

Code: 1

Explanation: Yes, some high positions in public office at the federal level (but not all passive political-electoral rights) are reserved for Mexicans by origin. Where the law makes no further distinctions, it is supposed that these do not exist. Citizens by naturalization can be declared citizens of the states of the federation and become, for instance, mayor.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014).

### **Do the restrictions apply to public office posts?**

Answer: Yes

Code: 1

Explanation: Some high positions in public office at the federal level (but not all passive political-electoral rights) are reserved for Mexicans by origin. Where the law makes no further distinctions, it is supposed that these do not exist. Citizens by naturalization can be declared citizens of the states of the federation and become, for instance, mayor.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014).

### **Other type of restrictions**

Answer: No

Code: 0

Explanation: Some high positions in public office at the federal level (but not all passive political-electoral rights) are reserved for Mexicans by origin. Where the law makes no further distinctions, it is supposed that these do not exist. Citizens by naturalization can be declared citizens of the states of the federation and become, for instance, mayor.

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014).

## **6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized**

### **IMCIT\_2. Loss or suspension of citizenship.**

**Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: Yes

Code: 1

Explanation: "Article 37: A) No Mexican by birth may be deprived of his nationality. B) Mexican nationality by naturalization will be lost in the following cases: I. By voluntary acquisition of a foreign nationality, by impersonating any public instrument as a foreigner, for using a foreign passport, or for accepting or using noble titles that imply submission to a foreign State, and II. For residing for five continuous years abroad".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 37.

**Are these rights recovered upon return?**

Answer: no

Code: 0

Explanation: "Article 37: A) No Mexican by birth may be deprived of his nationality. B) Mexican nationality by naturalization will be lost in the following cases: I. By voluntary acquisition of a foreign nationality, by impersonating any public instrument as a foreigner, for using a foreign passport, or for accepting or using noble titles that imply submission to a foreign State, and II. For residing for five continuous years abroad".

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 37.

### **6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals**

**IMCIT\_3: Restrictions for naturalized immigrants who are dual nationals.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?**

Answer: Not applicable

Code: Not applicable

Explanation: It is virtually impossible to keep the nationality of origin and access Mexican nationality (thus no naturalized Mexican should be in the position to be a dual national). The restrictions that apply are the same as for naturalized Mexicans. However, even Mexicans by origin who are dual nationals (for having acquired nationality elsewhere and not being able to lose/renounce Mexican nationality by origin) confront restrictions to exercise public positions and must first get a certificate of nationality before they can run for office in several positions and serve in the public administration. "Article 32. The Law shall regulate the exercise of the rights granted by Mexican legislation to the Mexicans who have another nationality and will establish rules to avoid double conflicts nationality. The exercise of the positions and functions for which, by provision of this Constitution, is requires being Mexican by birth, is reserved for those who have that quality and do not acquire another

nationality. This reservation will also be applicable to the cases indicated by other laws of the Congress. In peacetime, no foreigner may serve in the Army, nor in the police or security forces public. To belong to the Army in peacetime and that of the Navy or that of the Air Force at all times, or perform any position or commission in them, it is required to be Mexican by birth. This same quality will be indispensable in captains, pilots, employers, machinists, mechanics and, of in a general way, for all personnel that crew any vessel or aircraft that covers With the Mexican merchant flag or badge. It will also be necessary to perform the positions of Harbor captain and all pilot services and aerodrome commander.” (Constitution 1917). “II. Mexican nationality certificate: Legal instrument by which nationality is recognized Mexican by birth and that no other nationality has been acquired” (Art. 2, II of the Ley de Nacionalidad) “Art. 11.- Mexicans by birth whom another State also considers as their nationals and who intend to access the exercise of any position or function for which it is required to have only Mexican nationality by birth, must process their Mexican Nationality Certificate before the Secretariat and perform in writing the resignations and protests referred to in article 17 of the Law.” (Reglamento de la Ley de Nacionalidad).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 2. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 11.

### **How long do the restrictions apply?**

Answer: Indefinitely

Code: 0

Explanation: Indefinite. It is virtually impossible to keep the nationality of origin and access Mexican nationality (thus no naturalized Mexican should be in the position to be a dual national). The restrictions that apply are the same as for naturalized Mexicans. However, even Mexicans by origin who are dual nationals (for having acquired nationality elsewhere and not being able to lose/renounce Mexican nationality by origin) confront restrictions to exercise public positions and must first get a certificate of nationality before they can run for office in several positions and serve in the public administration. “Article 32. The Law shall regulate the exercise of the rights granted by Mexican legislation to the Mexicans who have another nationality and will establish rules to avoid double conflicts nationality. The exercise of the positions and functions for which, by provision of this Constitution, is requires being Mexican by birth, is reserved for those who have that quality and do not acquire another nationality. This reservation will also be applicable to the cases indicated by other laws of the Congress. In peacetime, no foreigner may serve in the Army, nor in the police or security forces public. To belong to the Army in peacetime and that of the Navy or that of the Air Force at all times, or perform any position or commission in them, it is required to be Mexican by birth. This same quality will be indispensable in captains, pilots, employers, machinists, mechanics and, of in a general way, for all personnel that crew any vessel or aircraft that covers With the Mexican merchant flag or badge. It will also be necessary to perform the positions of Harbor captain and all pilot services and aerodrome commander.” (Constitution 1917). “II. Mexican nationality certificate: Legal instrument by which nationality is recognized Mexican by birth and that no other nationality has been acquired” (Art. 2, II of the Ley de Nacionalidad) “Art. 11.- Mexicans by birth whom another State also considers as their nationals and who intend to access the exercise of any position or function for which it is required to have only Mexican nationality by birth, must process their Mexican Nationality Certificate before the Secretariat and perform in writing the resignations and protests referred to in article 17 of the Law.” (Reglamento de la Ley de Nacionalidad).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 2. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 11.

### **Do the restrictions apply to electoral rights?**



Answer: Yes

Code: 1

Explanation: It is virtually impossible to keep the nationality of origin and access Mexican nationality (thus no naturalized Mexican should be in the position to be a dual national). The restrictions that apply are the same as for naturalized Mexicans. However, even Mexicans by origin who are dual nationals (for having acquired nationality elsewhere and not being able to lose/renounce Mexican nationality by origin) confront restrictions to exercise public positions and must first get a certificate of nationality before they can run for office in several positions and serve in the public administration. "Article 32. The Law shall regulate the exercise of the rights granted by Mexican legislation to the Mexicans who have another nationality and will establish rules to avoid double conflicts nationality. The exercise of the positions and functions for which, by provision of this Constitution, is requires being Mexican by birth, is reserved for those who have that quality and do not acquire another nationality. This reservation will also be applicable to the cases indicated by other laws of the Congress. In peacetime, no foreigner may serve in the Army, nor in the police or security forces public. To belong to the Army in peacetime and that of the Navy or that of the Air Force at all times, or perform any position or commission in them, it is required to be Mexican by birth. This same quality will be indispensable in captains, pilots, employers, machinists, mechanics and, of in a general way, for all personnel that crew any vessel or aircraft that covers With the Mexican merchant flag or badge. It will also be necessary to perform the positions of Harbor captain and all pilot services and aerodrome commander." (Constitution 1917). "II. Mexican nationality certificate: Legal instrument by which nationality is recognized Mexican by birth and that no other nationality has been acquired" (Art. 2, II of the Ley de Nacionalidad) "Art. 11.- Mexicans by birth whom another State also considers as their nationals and who intend to access the exercise of any position or function for which it is required to have only Mexican nationality by birth, must process their Mexican Nationality Certificate before the Secretariat and perform in writing the resignations and protests referred to in article 17 of the Law." (Reglamento de la Ley de Nacionalidad).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 2. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 11.

### **Do the restrictions apply to public office post?**

Answer: Yes

Code: 1

Explanation: It is virtually impossible to keep the nationality of origin and access Mexican nationality (thus no naturalized Mexican should be in the position to be a dual national). The restrictions that apply are the same as for naturalized Mexicans. However, even Mexicans by origin who are dual nationals (for having acquired nationality elsewhere and not being able to lose/renounce Mexican nationality by origin) confront restrictions to exercise public positions and must first get a certificate of nationality before they can run for office in several positions and serve in the public administration. "Article 32. The Law shall regulate the exercise of the rights granted by Mexican legislation to the Mexicans who have another nationality and will establish rules to avoid double conflicts nationality. The exercise of the positions and functions for which, by provision of this Constitution, is requires being Mexican by birth, is reserved for those who have that quality and do not acquire another nationality. This reservation will also be applicable to the cases indicated by other laws of the Congress. In peacetime, no foreigner may serve in the Army, nor in the police or security forces public. To belong to the Army in peacetime and that of the Navy or that of the Air Force at all times, or perform any position or commission in them, it is required to be Mexican by birth. This same quality will be indispensable in captains, pilots, employers, machinists, mechanics and, of in a general way, for all personnel that crew any vessel or aircraft that covers With the Mexican merchant flag or badge. It will also be necessary to perform the positions of Harbor captain and all pilot services and aerodrome commander." (Constitution 1917). "II. Mexican nationality certificate: Legal instrument by which nationality is recognized Mexican by birth and that no other nationality has been acquired" (Art.

2, II of the Ley de Nacionalidad) “Art. 11.- Mexicans by birth whom another State also considers as their nationals and who intend to access the exercise of any position or function for which it is required to have only Mexican nationality by birth, must process their Mexican Nationality Certificate before the Secretariat and perform in writing the resignations and protests referred to in article 17 of the Law.” (Reglamento de la Ley de Nacionalidad).

Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 2. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 11.

### **Other type of restrictions (beyond electoral and public office posts).**

Answer: No

Code: 0

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Sources: Constitución Política de los Estados Unidos Mexicanos [Political Constitution of the United States of Mexico]. 1917 (2014). Art. 32. / Ley de Nacionalidad [Nationality Law]. 1998 (2012). Art. 2. / Reglamento de la Ley de Nacionalidad [Nationality Law Regulations]. 2009 (2013). Art. 11.