

## **CHANGES TO THE REGULATIONS ON IMMIGRATION**

As part of the international treaties and multiple bilateral agreements signed by the United Mexican States (Mexico) and other countries, and in line with the international trend in the area of migration and the safeguarding of human rights of migrants, Mexico, by means of the new Migration Law [Ley de Migración] published in the Federal Official Gazette on May 25, 2011 (Migration Law), has implemented as part of its migration policy new legal provisions allowing Mexicans and foreigners greater rights and improved international reciprocity in the field of international traffic, the exchange of labor and human rights.

The Migration Law has been in force since May 26, 2011, with the exception of certain articles that will enter into effect upon publication of the Regulations [Reglamento] to the said Law. Accordingly, the provisions of the General Law on Population [Ley General de Población] (LGP), the Regulations to the General Law on Population [Reglamento de la Ley General de Población] (RLGP) and the Migration Standards and Procedures Manual (Procedures Manual) shall continue to be applied wherever they are not in opposition to the Migration Law, until the new legal provisions on migration matters are issued and published. An important feature to be noted in terms of the general aspects of the Migration Law is that, regardless of the migration status of individuals leaving, traversing or arriving at a territory other than the State of which they are residents, they will be defined as “migrants” and it is expressly provided that, as such, they shall have the right to free movement, subject to the restrictions established by the Mexican legislation. They will have access to educational services provided by the public and private sectors, healthcare services provided by public and private sectors and, in case of emergencies to save their lives, that care shall be free. They may also perform any civil status acts such as marriage, birth, recognition of children, divorce, and have records issued to them as evidence of the above. They shall have the right to the conservation of family unity, the right to the administration and enforcement of justice and to file complaints with respect to human rights, the right to recognition of their legal status and to be given information by the authorities about their rights and obligations as migrants, the requirements for entering and remaining in Mexico, the right to request recognition as refugees, to be, if applicable, provided with additional protection, political asylum or the determination of statelessness, and to the appointment of a translator or interpreter when they do not speak Spanish.

The new Migration Law provides a new procedure for the procurement and issuance of visas and authorizing conditions for staying in the country. The migration documents known as the FM3 for Non-Immigrant Foreigners and FM2 for Immigrant Foreigners which they have used to evidence their legal status in the country, regardless of their migration modality, will be exchanged for the migration document called the Temporary or Permanent Residence Card, as soon as the Regulations to the Migration Law [Reglamento de la Ley de



Migración] an application is submitted to the National Migration Institute for an extension or endorsement of the foreigner's migration document.

By virtue of the foregoing, foreigners will be able to remain in Mexican territory under the following conditions: (i) Visitor, (ii) Temporary Resident and (iii) Permanent Resident.

Under the provisions of the new Migration Law, foreigners wishing to enter the United Mexican States for purposes other than those of recreation and tourism must apply for a visa at the Mexican Consulate in their country and present it upon their arrival in Mexico.

The visa may be:

Visitor's visa without permission for a remunerated activity, authorizing the foreigner to remain in Mexico for an uninterrupted period of 180 days.

Visitor's visa with permission for remunerated activity, authorizing the foreigner to remain in Mexico for an uninterrupted period of 180 days.

Visitor's visa for adoption formalities (for a period equivalent to the time taken by the adoption process).

Temporary resident visa, authorizing the foreigner to remain in Mexico for a period not exceeding four years. Foreigners may request permission to do remunerated work in Mexico, which is subject to a job offer duly evidenced to the National Migration Institute. Student's temporary resident visa, authorizing the foreigner to remain in Mexico for the period of study. This visa must be renewed annually.

Permanent resident visa, allowing the foreigner to remain in Mexico indefinitely and seek permission to do remunerated work in Mexico.

It is also important to note that the obtainment of any of the visas described only gives authorization for the foreigner to enter and remain in Mexico under the condition of the visa that is issued, so that such visa, if applicable, may be exchanged within 30 days after entering Mexico for a Temporary or Permanent Residence Card.

It is worth mentioning that for those foreigners who are nationals of the countries with which the United Mexican States does not yet have a convention for abolishing visas to enter as tourists into the territory of the United Mexican States should apply for their visa at the Mexican consulate in their country and upon entry they must fill out the multiple migration form provided to them at the immigration module of the airport or point of entry into Mexico, stating that they intend to enter as tourists.



Foreigners who obtain the status of Temporary Resident, Temporary Resident Student or Permanent Resident, shall evidence their legal right to be and remain in Mexico with the respective Residence Card and may enter and leave Mexico as often as they wish. Temporary and Permanent Residents may apply to the National Migration Institute for their family to be admitted (children, spouse, life partner, parents) and to have their personal property brought in by complying with the applicable legal provisions.

With regard to the obligations of Mexican companies that wish to hire foreigners in Mexico, under the provisions of LGP and its Regulations, they continue to be bound by the obligations stipulating that, before the foreigner is hired, authorization must be obtained from the National Migration Institute and notice must be given within 15 days of the date on which they stop working for the company.

