



# Migratory Act

May 25th, 2011





# Migratory Act

May 25, 2011<sup>1</sup>.

Lic. Gilda Valentina Barroso Rincón  
Expert Translator authorized by  
Superior Court of Justice of the Federal District.  
Council of the Federal District Judicature  
Boletín Judicial del 13/07/11

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<sup>1</sup> Federal Official Gazette. Secretaria de Gobernación  
[http://dof.gob.mx/nota\\_detalle.php?codigo=5190774&fecha=25/05/2011](http://dof.gob.mx/nota_detalle.php?codigo=5190774&fecha=25/05/2011)

**DECREE** by means of which the Migratory Act (*Ley de Migración*) is issued and diverse provisions of the General Population Law (*Ley General de Población*), Federal Penal Code (*Código Penal Federal*), Federal Code of Criminal Procedure (*Código Federal de Procedimientos Penales*), Federal Law against Organized Crime (*Ley Federal contra la Delincuencia Organizada*), Federal Law-Enforcement Act (*Ley de la Policía Federal*), Religious Associations and Public Worship Act (*Ley de Asociaciones Religiosas y Culto Público*), Foreign Investment Act (*Ley de Inversión Extranjera*), and General Tourism Law (*Ley General de Turismo*) are reformed, partially repealed, and expanded.

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[Seal containing the national coat of arms that reads: United Mexican States. Office of the President.]

I, **FELIPE DE JESÚS CALDERÓN HINOJOSA**, president of the United Mexican States, proclaim:

That the honorable Congress of the Union has submitted the following to me:

**DECREE**

“THE FEDERAL CONGRESS OF THE UNITED MEXICAN DECREES THAT:

THE MIGRATORY ACT IS ISSUED, AND DIVERSE PROVISIONS OF THE GENERAL POPULATION LAW , FEDERAL PENAL CODE, FEDERAL CODE OF CRIMINAL PROCEDURE, FEDERAL LAW AGAINST ORGANIZED CRIME, FEDERAL LAW-ENFORCEMENT ACT, RELIGIOUS ASSOCIATIONS AND PUBLIC WORSHIP ACT, FOREIGN INVESTMENT ACT, AND GENERAL TOURISM LAW ARE REFORMED, PARTIALLY REPEALED, AND EXPANDED.

**ARTICLE ONE.** The Migratory Act is issued.

**MIGRATORY ACT**

**TITLE ONE**

PRELIMINARY PROVISIONS

**SOLE CHAPTER**

PRELIMINARY PROVISIONS

**Article 1.** The provisions of this Law are public policy and of general observance throughout the United Mexican States. Their objective is to regulate matters related to the entry and departure of Mexicans and foreigners into and from Mexican territory, as well as transit and stay in such territory, within a framework of respect, protection, and safety in regard to human rights, the contribution to national development, and the preservation of national security and sovereignty.

**Article 2.** Mexican migratory policy is the combination of strategic decisions for attaining defined objectives that, based on the general principals and other provisions of this Law, are expressed in the Regulations and in secondary rules, diverse programs, and concrete actions in order to address Mexican migratory phenomena in an integral manner, with Mexico as country of origin, transit, destination, and return of migrants.

The following are the principles on which the nation's migratory policy is upheld:

Unrestricted respect for the human rights of migrants, citizens, and foreigners of any place, nationality, gender, ethnicity, age, and migratory status, with a special focus on vulnerable groups, such as minors, women, indigenous individuals, adolescents, elderly individuals, and crime victims. In no event is irregular migratory status on its own considered the perpetration of a crime, nor will it be considered the perpetration of illicit acts by the migrant as the result of his or her not being documented.

Consistency so that the State may guarantee the validity of the rights it claims for its citizens abroad regarding the admission, entry, stay, transit, deportation, and assisted return of foreigners located in Mexico.

Integral approach according to the complexity of international human mobility that addresses the various migratory phenomena in Mexico, such as country of origin, transit, destination, and return, taking into consideration their structural causes and their present and future consequences.

Shared responsibility with the governments of various countries and between national and foreign institutions that are involved in the theme of migration.

Hospitality and international solidarity according to Mexican tradition in this sense, to treaties, and to international law for people who need a new temporary or permanent place of residence due to extreme conditions in their countries of origin that place their lives or coexistence at risk.

Aid to international human mobility, safeguarding order and security. This principle recognizes the contribution of migrants to societies of origin and destination. At the same time, it strives to enhance the migratory authority's contribution to public and border security, regional security, and the fight against organized crime, especially with respect to the fight against the trafficking and kidnapping of migrants and all types of human trafficking.

Complementarity of labor markets with regional countries as the basis for the proper management of migration for work purposes and in accordance with national requirements.

Fairness between citizens and nationals in accordance with the Political Constitution of the United Mexican States, especially with respect to the full observance of the constitutional rights of citizens and foreigners.

Recognition of the rights immigrants acquire, whereas foreigners with family, labor, and business ties to Mexico generate a series of rights and commitments as of the time in which they begin their day-to-day lives in Mexico, even if they have fallen into irregular migratory status for administrative reasons and provided they have complied with applicable law.

Family unity and the best interests of children and adolescents as principal criteria for the admission and stay of foreigners for temporary or permanent Mexican residency, alongside labor needs and humanitarian causes, whereas the family unit is a fundamental element for constituting a healthy and productive social network within communities of foreigners in Mexico.

Social and cultural integration between citizens and foreigners who are residents in Mexico based on multiculturalism and freedom of choice, with full respect for the cultures and customs of their communities of origin, provided these do not violate Mexican law.

Assistance to Mexican emigrants and their families in returning to Mexico and assimilating into Mexican society through interinstitutional programs and strengthening links between the Mexican emigrants' communities of origin and destination for the benefit of family well-being and national and regional development.

The executive branch defines the operative aspect of Mexican migratory policy. For this purpose, it must gather together the claims and stances of other federal government branches, state governments, and civil society groups, taking into account Mexican humanitarian traditions and Mexico's binding commitment to human rights; development; and national, public, and border security.

**Article 3.** [The terms below] have the following definitions for the purposes of this Law:

I. Migratory authority: The public servant that exercises the legal authority expressly granted for carrying out specific duties and acts of authority in migratory matters.

II. Readmission consent: The act through which the Department authorizes the admission of a previously-deported foreigner into Mexico.

III. Political refugee: A person who requests entrance into Mexico in order to protect his or her freedom or life from political persecution in the terms of the international treaties and conventions to which Mexico is a party.

IV. Stateless: All individuals not considered citizens of any country in accordance with such country's legislation. The law confers equal treatment upon all individuals who have a nationality, but that is not in effect.

V. Evaluation center: The National Migration Institute's Center for Evaluation and Confidence Control.

VI. Lawful status: A foreigner's regular status with regard to his or her residency intention and, in some cases, with respect to the activity he or she carries out in Mexico, or regarding humanitarian or international solidarity criteria.

VII. Constitution: The Political Constitution of the United Mexican States.

VIII. Quota: The maximum number of foreigners in general, by economic activity, or by zone of residence, who may enter the country to work.

IX. Human rights defender: All individuals and civil society groups that singularly or collectively promote or procure the protection or attainment of human rights, basic liberties, and constitutional rights at the national and international levels.

X. Detention facility: A facility established by the Institute for temporarily detaining foreigners who do not provide evidence of regular migratory status until their migratory status is resolved.

XI. Foreigner: An individual who is not Mexican in accordance with Article 30 of the Constitution.

XII. Migratory review filter: The space located at the place allocated to international human transit at which the Institute authorizes or denies the lawful admission of individuals into Mexico.

XIII. Institute: The National Migration Institute.

XIV. Law: This Law.

XV. Place allocated to international human transit: The physical space the Department establishes for the transit of individuals from one country to another.

XVI. Mexican: An individual who possesses the qualities established in Article 30 of the Constitution.

XVII. Migrant: An individual who departs from, is in transit through, or arrives for any reason to a country that differs from his or her country of residency.

XVIII. Unaccompanied migrant child or adolescent: All national or foreign children and adolescents under 18 years of age who are located in Mexico and not

accompanied by a blood relative or an individual who is legally responsible for them.

XIX. Consulate: Office representing Mexico to other countries' governments in which the following activities are permanently carried out: protection of Mexicans who are located in their districts; promotion of commercial, economic, cultural, and scientific relations between both countries; and issuance of documentation to Mexicans and foreigners in the terms of the Mexican Foreign Service Act (*Ley del Servicio Exterior Mexicano*) and the Regulations of the Mexican Foreign Service Act (*Reglamento de la Ley del Servicio Exterior Mexicano*).

XX. Detention: The measure ruled by the Institute through which the temporary stay of a foreigner who does not provide evidence for his or her migratory status is agreed upon in order to regularize his or her stay or return assistance.

XXI. Complimentary protection: The protection that the Department grants a foreigner who has not been recognized as a refugee and that consists of not returning him or her to the country in which his or her life would be threatened or he or she would be in danger of being subjected to torture or other cruel, inhumane, or degrading punishment or treatment.

XXII. Refugee: All foreigners located in Mexico who are recognized as refugees by the competent authorities in accordance with the international treaties and conventions to which Mexico is party, as well as with applicable law.

XXIII. Regulations: The Regulations of this Law.

XXIV. Assisted return: The procedure through which the National Migration Institute forces a foreigner to abandon Mexico and he or she is returned to his or her country of origin or of habitual residence.

XXV. Remuneration: The earnings that individuals receive in Mexico in exchange for providing a subordinated personal service or an independent professional service.

XXVI. Department: The Department of the Interior (*Secretaría de Gobernación*).

XXVII. Migratory status: The category in which a foreigner falls based on his or her compliance, or lack thereof, with migratory provisions regarding his or her admission to and stay in Mexico. A foreigner will be considered to have regular migratory status when he or she has complied with such provisions and will be considered to have irregular migratory status when he or she has not.

XXVIII. Resident card: A document the Institute issues and with which foreigners prove the regular migratory status of temporary or permanent residence.

XXIX. Migratory procedure: Any request or delivery of information prepared by individuals or legal entities and submitted to a migratory authority in order to comply with an obligation or obtain a migratory benefit or service so that a ruling is issued, as well as any other document that such individuals or legal entities are obligated to keep. This does not include documentation or information that must only be submitted per requirement of the Institute.

XXX. Visa: An authorization granted in a consulate that serves as evidence of having provided proof of the requirements necessary for obtaining a lawful status in Mexico and that is expressed by means of a document that is printed or attached to a passport or other document. A visa may also be granted by electronic means and registries, in which case it is referred to as an electronic or virtual visa (*visa electrónica/virtual*). A visa authorizes a foreigner to appear at a place allocated to international human transit and to request, according to the type of visa, his or her stay, provided all other entrance requirements have been met.

**Article 4.** The Department is responsible for applying this law. For this purpose, it may be assisted by and coordinate with the other agencies and entities of the Federal Public Administration whose powers are related to migratory matters.

**Article 5.** The representatives and functionaries of foreign governments and international agencies, their family members, and support staff are exempt from migratory inspections. This is also the case for the individuals who enjoy immunity from territorial jurisdiction in accordance with the treaties and conventions to which Mexico is a party and with the international practices and laws recognized by Mexico, always taking international reciprocity into consideration.

Foreigners who conclude their official duties in Mexico and wish to remain in the country, as well as those who enjoy immunity and waive it in order to carry out lucrative activities, must comply with this Law and with other applicable legal provisions.

## **TITLE TWO**

### **MIGRANTS' RIGHTS AND OBLIGATIONS**

#### **SOLE CHAPTER**

##### **RIGHTS AND OBLIGATIONS**

**Article 6.** Mexico guarantees the exercise of foreigners' rights and liberties that are recognized in the Constitution, in the international treaties and conventions to which Mexico is a party, and in the applicable legal provisions, independent of migratory status.

**Article 7.** All individuals' freedom to enter, remain in, transit, and depart from Mexico is limited as established in the Constitution, in the international treaties and conventions to which Mexico is a party, this Law, and other applicable legal provisions.

All individuals have the right to freely transit, and all authorities must promote this right and respect it. No individual will be required to prove his or her nationality and migratory status in Mexico, except by the competent authority in the events and under the circumstances established in this Law.

**Article 8.** Migrants may access public and private education services, independent of their migratory status and in accordance with the applicable regulations and legal provisions.

Migrants also have the right to receive any type of public and private medical care, independent of their migratory status and in accordance with the applicable regulations and legal provisions.

Migrants have the right to receive free, unrestricted emergency medical care required to save their lives, independent of their migratory status.

With respect to the provision of educational and medical services, no administrative act will establish restrictions on foreigners that are more extensive than those generally established for Mexicans.

**Article 9.** Judges and officials of the Bureau of Vital Statistics (*Registro Civil*) may not deny migrants the authorization of civil status certificates or the issuance of birth, acknowledgment of paternity, marriage, divorce, or death certificates, independent of their migratory status.

**Article 10.** Mexico guarantees the right to family preservation<sup>2</sup> to migrants who intend to lawfully enter the country or who reside in Mexico under regular migratory status, as well as to those who intend to regularize their migratory status in Mexico.

**Article 11.** In any event, independent of migratory status, migrants have the right to the administration of justice, at all times respecting the right to due process, as well as to lodge complaints in matters of human rights, in accordance with the Constitution and other applicable laws.

In regard to proceedings applicable to migrant children and adolescents, their ages will be considered and their best interests given priority.

**Article 12.** Independent of migratory status, migrants have the right to have their legal personalities recognized in accordance with the Constitution and with the international treaties and conventions to which Mexico is a party.

**Article 13.** Migrants and their family members located in Mexico have the right to be provided information regarding:

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<sup>2</sup> Translator's note: As can be seen further on in this law, the right to family preservation does not solely encompass child-parent relationships, as is often the case in U.S. policy and law.

I. Their rights and obligations in accordance with current law;

II. Their admission, stay, and departure requirements, as established in applicable law; and

III. The possibility of requesting refugee status recognition, the granting of complementary protection, or the concession of political asylum and being approved as stateless, as well as the corresponding procedures for obtaining such statuses.

The Department will adopt the measures it considers appropriate for disseminating the aforementioned information, pursuant to applicable law.

**Article 14.** When a migrant, independent of his or her migratory status, does not speak or understand Spanish, the Institute will provide him or her with a translator or interpreter who is familiar with his or her language in order to facilitate communication.

When a migrant is deaf and is able to read and write, he or she will be questioned in writing or through an interpreter. Otherwise, an individual who can understand him or her will be appointed as interpreter.

In the event in which a migrant is convicted, independent of his or her migratory status, the judiciary authorities will be obligated to notify him or her of the international treaties and conventions to which Mexico is a party in matters of the transfer of offenders, as well as any other that could benefit him or her.

**Article 15.** Mexico will promote the access and integration of migrants who obtain a lawful status as temporary and permanent residents to and into the different spheres of Mexican economic and social life, guaranteeing respect for their identities and ethnic and cultural diversity.

**Article 16.** Migrants must comply with the following obligations:

I. With respect to foreigners with regular migratory status, the safeguarding and custody of the documentation that serves as evidence of their identities and statuses;

II. Exhibition of the documentation that serves as proof of their identity or regular migratory status, when required by migratory authorities;

III. Provision of the personal information required from them by competent authorities, within their powers. The foregoing, notwithstanding the provisions of the Federal Public Government Information Transparency and Access Law (*Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental*) and other applicable provisions; and

IV. Other obligations of the Constitution and this Law, its Regulations, and other applicable provisions.

**Article 17.** Only migratory authorities may retain the documentation that serves as proof of the identity or migratory status of migrants when there are reasons to believe they are not authentic, in which case this must be immediately notified to the competent authorities so that it is resolved.

### **TITLE THREE** REGARDING MIGRATORY AUTHORITIES

#### **CHAPTER I** REGARDING MIGRATORY AUTHORITIES

**Article 18.** The Department has the following powers in migratory matters:

I. To formulate and direct Mexican migratory policy, taking into consideration the opinions of the authorities established for such purpose in the Regulations, as well as the claims and stances of the other federal branches, state governments, and civil society.

II. To, in the terms of this Law, establish the quotas, requirements, and proceedings for issuing visas and authorizing lawful status, provided these lead to the possibility of the holder carrying out activities in exchange for remuneration, as well as to determine the municipalities or states<sup>3</sup> that make up border regions, or those that receive temporary workers, and the corresponding effectiveness of lawful status authorizations issued in these regions. In all of these events, the Department must previously obtain the favorable opinion of the Department of Labor and Welfare (*Secretaría de Trabajo y Previsión Social*) and will take into consideration the opinion of the other authorities established for such purpose in the Regulations.

III. To establish or cancel requirements for the entrance of foreigners into Mexico by means of general provisions published in the Federal Official Gazette, taking into consideration the opinions of the authorities established for such purpose in the Regulations.

IV. To suspend or prohibit the entrance of foreigners in the terms of this Law and its Regulations.

V. In coordination with the Ministry of Foreign Affairs, to back and execute international instruments in matters of assisted return for Mexicans and foreigners.

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<sup>3</sup> Translator's note: The word *state*, when used throughout, includes the Mexican Federal District. Mexican states are considered federated states.

VI. To determine and cancel the places allocated to international human transit in the terms of this Law and its Regulations.

VII. To issue readmission consent as provided for in this Law.

VIII. The other powers indicated in the General Population Law, this Law, its Regulations, and other applicable legal provisions.

**Article 19.** The Institute is a decentralized administrative agency of the Department whose objective is the execution, control, and supervision of the acts executed by migratory authorities in Mexico, as well as the implementation of the corresponding policies, based on the guidelines issued by the Department.

**Article 20.** The Institute has the following powers in migratory matters:

I. To implement migratory policy;

II. To supervise the entry and departure of individuals into and from Mexico and to review their documentation;

III. In the cases indicated in this Law, to file, process, and rule with respect to the admission, stay, and departure of foreigners to, in, and from Mexico;

IV. To be familiar with, rule with respect to, and execute the deportation or assisted return of foreigners in the terms and conditions established in this Law and its Regulations;

V. To impose the sanctions provided for in this Law and its Regulations;

VI. To maintain the National Registry of Foreigners and keep it current;

VII. To hand foreigners over to detention facilities or the places allocated to such purpose who warrant it in accordance with this Law, at all times respecting their human rights;

VIII. To coordinate the operations of migrant service groups located in Mexico;

IX. To provide the information contained in the databases of the distinct computer systems its administers to the various national security institutes when they request it in accordance with applicable legal provisions; and

X. The other powers indicated in this Law, its Regulations, and other applicable legal provisions.

**Article 21.** The Ministry of Foreign Affairs has the following powers in migratory matters:

I. To, within its sphere of competence, apply this Law, its Regulations, and other legal provisions;

II. In coordination with the Department, to back and execute international instruments in matters of assisted return for Mexicans and foreigners;

III. Together with the Department, to back the execution of bilateral agreements that regulate migratory flow;

IV. In the cases provided for in this Law, to file, process, and issue rulings regarding the issuance of visas; and

V. The other powers indicated in this Law, its Regulations, and other applicable legal provisions.

## **CHAPTER II**

### **REGARDING THE PROFESSIONALIZATION AND CERTIFICATION OF INSTITUTE PERSONNEL**

**Article 22.** Actions of the Institute's public servants are invariably subject to the principles of legality, objectivity, efficiency, professionalism, honor, and respect for the human rights recognized in the Constitution and in this Law.

**Article 23.** In the terms of Article 96 of the Homeland Public Security System Law (*Ley General del Sistema Nacional de Seguridad Pública*), the Institute's public servants are obligated to submit themselves to a certification process that consists of verifying compliance with the personality, ethical, socioeconomic, and medical profiles that are required for carrying out their duties regarding entry, promotion, and continuance procedures in the terms of the Regulations.

Certification is a requirement that is indispensable to entry, continuance, and promotion.

For the purpose of certification, the Institute will have an evaluation center that is accredited by the National Center for Certification and Accreditation (*Centro Nacional de Certificación y Acreditación*) in the terms of the Homeland Public Security System Law and other applicable legal provisions.

The evaluation center will consist of the technical and administrative personnel necessary for enforcing its powers.

**Article 24.** The evaluation center has the following powers:

I. To carry out periodical evaluations on the Institute's members in order to verify compliance with the personality, ethical, socioeconomic, and medical profiles in the entry, promotion, and continuance procedures necessary for complying with member duties;

II. To communicate the results of the evaluations conducted to the competent administrative units for the purposes of the entry, promotion, and continuance of the Institute's public servants, as applicable;

III. To issue and update the certificate that corresponds to the Institute's personnel who provide proof of the corresponding evaluations;

IV. To contribute to identifying the risk factors that impact or place at risk the performance of migratory duties in order to guarantee the proper operation of migratory services;

V. To establish a database that contains archives of the processes for certifying individuals on whom this has been carried out and to implement the security measures that are necessary for safeguarding the information contained in such database;

VI. To recommend training and the implementation of the measures derived from evaluation results; and

VII. The other powers indicated in this Law, its Regulations, and other applicable legal provisions.

**Article 25.** In order to enter and remain, the Institute's public servants must matriculate and pass education, training, and professionalization programs that include rules in migration and human rights, as well as have the certification indicated in Article 23 of this Law.

The Regulations of this Law will establish the procedures for the selection, entrance, education, training, development, update, continuance, and promotion of the Institute's public servants.

### **CHAPTER III REGARDING ANCILLARY MIGRATORY AUTHORITIES**

**Article 26.** The Department of Tourism is responsible for:

I. Disseminating official information regarding the migratory requirements and procedures that are required for the admission, transit, lawful stay, and departure of foreigners attempting to visit Mexico;

II. Participating in interinstitutional actions in migratory matters that facilitate the implementation of programs that encourage and promote tourism at national destinations for Mexico's benefit and development; and

III. The other powers indicated in this Law, its Regulations, and other applicable legal provisions.

**Article 27.** The Health Department is responsible for:

- I. In coordination with the health authorities at different government levels, providing the health services granted to foreigners, which are provided independent of migratory status and in accordance with the applicable legal provisions;
- II. Establishing the health requirements for admitting individuals to Mexico in accordance with the applicable legal provisions;
- III. Overseeing health services in places allocated to international human transit and in national and foreign maritime, air, and land transportation through inspections in accordance with applicable legal provisions;
- IV. Designing and disseminating disease control and prevention campaigns in places allocated to international human transit in accordance with applicable legal provisions; and
- V. The other powers indicated in this Law, its Regulations, and other applicable legal provisions.

**Article 28.** The Office of the Federal Attorney General (*Procuraduría General de la República*) is responsible for:

- I. Promoting the education and specialization of law enforcement agents of the Federal Office of the Public Prosecutor, agents of the Office of the Public Prosecutor, and officials of the Office of the Public Prosecutor in matters of human rights;
- II. Providing migrants with orientation and consulting so that they are properly attended to and protected, in accordance with the Organizational Law of the Federal Attorney General's Office (*Ley Orgánica de la Procuraduría General de la República*), its Regulations, and other applicable regulations;
- III. Providing the entities responsible for generating statistics with references regarding the number of criminal investigations and proceedings with respect to the crimes of which migrants are victims;
- IV. Entering into cooperation and coordination agreements in order to procure the effective investigation and prosecution of the crimes of which migrants are victims;
- V. Being familiar with the crimes indicated in Articles 159 and 161 of this Law; and
- VI. The other powers indicated in this Law, its Regulations, and other applicable legal provisions.

**Article 29.** The National System for Integral Family Development (*Sistema Nacional para el Desarrollo Integral de la Familia*) and its state and Federal District systems are responsible for:

I. Providing social welfare to unaccompanied migrant children and adolescents who require protective services;

II. Granting assistance to allow migrants to remain and guaranteeing the protection of unaccompanied migrant children and adolescents while the Institute is in the process of ruling on their migratory status, in accordance with Article 112 of this Law;

III. Assisting the Institute in implementing actions that permit the provision of proper attention to migrants, such as migrant children and adolescents, who, for different reasons or a combination of reasons, are faced with situations that leave them highly vulnerable; and

IV. The other powers indicated in this Law, its Regulations, and other applicable legal provisions.

**Article 30.** The National Institute for Women (*Instituto Nacional de las Mujeres*) is responsible for:

I. Carrying out interinstitutional actions in coordination with the Institute that permit the addressing of migrant women's issues and moving forward in compliance with the international treaties and conventions to which Mexico is a party;

II. Promoting actions directed toward improving the social condition of migrant women and eradicating all forms of discrimination against them;

III. Providing training to migratory authorities in matters of gender equality, with an emphasis on respect and the protecting migrants' human rights; and

IV. The other powers indicated in this Law, its Regulations, and other applicable legal provisions.

#### **TITLE FOUR**

##### **REGARDING INTERNATIONAL HUMAN MOVEMENT AND FOREIGNERS' STAY IN MEXICO**

#### **CHAPTER I**

##### **REGARDING ENTRY INTO AND DEPARTURE FROM MEXICO**

**Article 31.** The Department is exclusively responsible for establishing and cancelling the places allocated to international human transit by land, air, and sea, given the prior opinions of the Treasury Department (*Secretaría de Hacienda y*

*Crédito Público*); Department of Communication and Transportation (*Secretaría de Comunicaciones y Transportes*); Health Department; Ministry of Foreign Affairs (*Secretaría de Relaciones Exteriores*); the Department of Agriculture, Livestock, Rural Development, Fishing and Nutrition (*Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación*); and the Navy Department (*Secretaría de Marina*), if applicable. In addition, it will consult the agencies it deems advisable.

The aforementioned agencies are obligated to provide the elements that are necessary for rendering the corresponding services to their jurisdictions.

**Article 32.** The Department may temporarily close the places allocated to international human transit by land, sea, and air for reasons that are in the interest of the public.

**Article 33.** The concession holders or permit holders that operate or administer places allocated to international human transit by land, sea, and air are obligated to make facilities available to the Institute that are necessary for properly carrying out its duties, as well as for complying with the guidelines issued for such purpose.

The Regulations establish the characteristics that the Institute's facilities in places allocated to international human transit by land, sea, and air must have.

**Article 34.** Mexicans and foreigners may only enter and depart from Mexico through places allocated to international human transit by land, sea, and air.

Legal admission into Mexico takes place at the time in which an individual passes through the migratory review filters located at the places allocated to international human transit by land, sea, and air; within the hours established for such purpose; and with the participation of the migratory authorities.

**Article 35.** In order to enter into and depart from the country, Mexicans and foreigners must comply with the requirements of this Law, its Regulations, and other applicable legal provisions.

Institute personnel are exclusively responsible for overseeing the entry and departure of Mexicans and foreigners and for reviewing their documentation.

**Article 36.** Mexicans may not be denied the right to enter Mexico. For such purpose, they must provide evidence of their nationality and comply with the other requirements established in this Law, its Regulations, and other applicable legal provisions.

Mexicans will provide evidence of their nationality using one of the following:

I. Passport;

II. Citizenship identification card (*cédula de identidad ciudadana*) or personal identification card (*cédula de identidad personal*), or its equivalent;

III. Certified copy of birth certificate;

IV. Consular identification card (*matrícula consular*);

V. Certificate of naturalization; or

VI. Certificate of Mexican citizenship.

If necessary, they may identify themselves using a voter's registration card containing a photo and that is issued by a national voting authority, or any other document issued by the authority in the performance of its duties.

When the evidentiary documentation indicated in the foregoing subsections is not available, for the purpose of this article, Mexican citizenship may be proved by means of any other objective evidentiary elements that permit the Institute to determine that the suppositions for providing proof of Mexican citizenship are met.

In the cases in which the Institute has the elements that are sufficient for presuming that the documents or elements provided as proof of Mexican citizenship are false, it will determine the entry or denial of the individual being addressed after having carried out the corresponding investigation. This procedure must be reasonable and will not take more than four hours in any event.

Additionally, when entering the country, Mexicans are obligated to provide the personal information that the competent authorities request of them within the scope of their powers. They will have the right to be informed of the legal requirements established for their entry into and departure from Mexico.

**Article 37.** Foreigners must do the following in order to be admitted into Mexico:

I. Submit the following documents at the Institute's migratory review filter:

a) Passport or identification and trip document that is valid according to current international law and

b) When required, a visa that is current and validly-issued in the terms of article 40 of this Law or

c) A resident card or authorization of the status of regional visitor (*visitante regional*), border worker (*visitante trabajador fronterizo*), or visitor for humanitarian reasons (*visitante por razones humanitarias*).

II. Provide the personal information that the competent authorities request within their scope of power.

III. Foreigners in the following categories do not require a visa:

a) When they are citizens of countries that have signed a visa waiver agreement with Mexico or for which visas are not required based on a unilateral decision made by the Mexican government.

b) When they are requesting the lawful status of regional visitor or border worker.

c) When they hold an entry and return permit.

d) When they hold an authorized lawful status, in the cases the Department determines beforehand.

e) When they are requesting refugee status, complimentary protection status, or to be approved as stateless, or for humanitarian reasons or force majeure.

f) When they are members of the crew of commercial ships or airliners in accordance with international commitments assumed by Mexico.

**Article 38.** The Department may, in the interest of the public and while the determining causes persist, suspend or prohibit the admission of foreigners by issuing general administrative provisions that must be published in the Federal Official Gazette.

**Article 39.** In the terms of this Law and its Regulations, the following will intervene in the processing and issuance of visas and the authorization of lawful status:

I. The offices established by the Department in Mexico and

II. Consulates, in accordance with the Mexican Foreign Service Act (*Ley del Servicio Exterior Mexicano*) and its Regulations (*Reglamento de la Ley del Servicio Exterior Mexicano*).

**Article 40.** Foreigners attempting to enter Mexico must provide one of the following validly-issued and current visa types:

I. Visitor without permission to carry out lucrative activities, which authorizes the foreigner to appear at any place allocated to international human transit and to request admission into Mexico for the purpose of remaining for an uninterrupted period of no more than 180 days counted as of the date of entry.

II. Visitor with permission to carry out lucrative activities, which authorizes the foreigner to appear at any place allocated to international human transit and request admission into Mexico for the purpose of remaining for an uninterrupted

period of no more than 180 days counted as of the date of entry and for carrying out lucrative activities.

III. Visitor for carrying out adoption procedures, which authorizes the foreigner linked to an adoption procedure in Mexico to appear at any place allocated to international human transit and request entry into Mexico for the purpose of remaining in the country until the final ruling is pronounced and, if applicable, the new certificate for the adopted child or adolescent is registered with the Bureau of Vital Statistics, the corresponding passport is issued, and all procedures necessary for guaranteeing the child or adolescent's departure from Mexico have been carried out. This authorization will only be issued to the citizens of countries with which Mexico has executed an agreement in matters of adoption.

IV. Visa for temporary residency, which authorizes the foreigner to appear at any place allocated to international human transit and request entry into Mexico in order to remain for a period of no more than four years.

V. Visa for temporary student residency, which authorizes the foreigner to appear at any place allocated to international human transit and request entry into Mexico in order to remain throughout the time in which courses, studies, research projects, or education verified to take place in educational institutions that pertain to the national education system lasts and to carry out lucrative activities in accordance with Article 52, section VIII of this Law.

VI. Visa for permanent residence, which authorizes the foreigner to appear at any place allocated to international human transit and request entry into Mexico in order to remain for an indefinite period of time.

Criteria for issuing visas will be established in the Regulations. Guidelines will be determined by both the Department and the Ministry of Foreign Affairs, favoring a consistent migratory management that grants assistance in the issuance of visas for the purpose of endorsing an orderly and lawful migratory flow and supporting migrant dignity.

No visa grants permission to work for remuneration unless expressly indicated in such document.

Visas serve as proof of lawful status requirements and authorize foreigners to appear at any place allocated to international human transit and request entrance into Mexico under such lawful status, regardless of whether they have previously obtained a resident card.

**Article 41.** Foreigners shall request visas in consulates. These offices authorize and issue visas in accordance with applicable legal provisions.

In regard to right to family preservation, job offer, and humanitarian cases, visas may be requested at the Institute's offices. In these events, the Institute and

Mexican consulates located abroad are responsible for authorizing visas as instructed.

A consulate may request that the Institute reconsider authorization if, in its opinion, the applicant does not meet the requirements established in this Law, its Regulations, and other applicable legal provisions.

The Institute will issue the final authorization, with no liability to the consulate.

**Article 42.** The Department may authorize the entry of foreigners who request refugee status, political asylum, approval as stateless, or for causes of force majeure or humanitarian reasons without complying with one of the requirements established in Article 37 of this Law.

**Article 43.** Notwithstanding the provisions of Article 42 of this Law, migratory authorities may deny the issuance of visas, legal admission into Mexico, or stay to foreigners who fall under one of the following conditions:

I. If subject to a criminal proceeding or sentenced for a serious crime pursuant to Mexican criminal laws or the provisions of the international treaties and conventions to which Mexico is a party, or if they could compromise national security or public safety as a result of their background in Mexico or abroad.

II. If they do not meet the requirements established in this Law, its Regulations, and other applicable legal provisions.

III. If the authenticity of documents or elements provided is in doubt.

IV. If subject to the express prohibitions of a competent authority.

V. If provided for under other legal provisions.

Migratory authorities will have the means necessary for verifying the foregoing conditions within their sphere of competence. They may request the information from foreigners that is required for this purpose.

The fact that a foreigner has not complied with section II of this article will not impede a migratory authority from again reviewing his or her visa request, provided this Law, its Regulations, and other applicable legal provisions are complied with.

In the event in which a foreigner has been sentenced for committing a serious crime in accordance with national laws, the Institute will evaluate his or her migratory status, addressing the principles of social reintegration and family reunification.

**Article 44.** International maritime and air passenger transportation companies are obligated to verify that the foreigners they transport have the valid and current

documentation required for admission into Mexico or the country of final destination.

**Article 45.** The foreign crews of international air, land, and maritime transportation companies in the field of international transit that arrive to Mexico on active duty may only remain in the country for the time necessary to reinstate services at the next departure assigned to them.

Expenses resulting from presence in, deportation from, or departure from Mexico of crews that do not comply with this provision will be covered by the transportation company for which these crews work.

**Article 46.** Air and maritime companies, as well as private airliners and boats that participate in the international transportation of passengers, must electronically send information regarding the passengers, crews, and methods of transportation that enter and depart from the country.

The Regulations will specify the information to be requested, and the terms for sending this information will be determined in the Institute's general administrative provisions.

**Article 47.** Individuals must do the following in order to depart from Mexico:

- I. Depart through places allocated to international human transit;
- II. Identify themselves by showing a passport or valid current identification or trip document;
- III. Submit information required for statistical purposes to the Institute;
- IV. Foreigners must provide proof of their regular migratory status in Mexico or the permit issued by the migratory authority in the terms of Article 137 of this Law; and
- V. Be subject to other provisions that are applicable to the matter.

**Article 48.** Mexicans and foreigners may freely depart from Mexico, except in the following cases:

- I. A judiciary authority has issued a provisional remedy or preliminary injunction, provided this is for the purpose of restricting the individual's transit rights.
- II. The individual has been released on bail subject to trial.
- III. The individual has been released on parole or granted conditional release, unless given authorization by the competent authority.

IV. For reasons of national security pursuant to applicable legal provisions.

V. With respect to children and adolescents subject to international return procedures, in accordance with the international treaties and conventions to which Mexico is a party.

The Institute will have the adequate means of verifying the foregoing cases in accordance with the Regulations.

**Article 49.** The departure from Mexico of Mexican or foreign children or adolescents, or individuals who are under legal guardianship in the terms of civil legislation, is additionally subject to the following rules:

I. They must be accompanied by one of the people exercising parental authority or guardianship over them in compliance with the requirements of civil legislation.

II. In the event in which they are accompanied by a third party who is of legal age or they are traveling alone, they must provide their passports and the documents that are authorized by notary public or the competent authority and in which the authorization of those who exercise parental authority or guardianship over them is evidenced.

**Article 50.** The Institute will verify the migratory status of stowaways found on air, land, or maritime transportation and determine the ensuing actions in accordance with the Regulations.

**Article 51.** The Department will be authorized to issue general administrative policies and provisions in order to address Mexican migratory needs, taking the National Council on Population's (*Consejo Nacional de Población*) opinion into consideration. These policies and provisions will be published in the Federal Official Gazette.

## **CHAPTER II**

### **REGARDING THE STAY OF FOREIGNERS IN MEXICO**

**Article 52.** Foreigners may remain in Mexico as visitors, temporary residents, or permanent residents, provided they comply with the requirements established in this Law, its Regulations, and other applicable legal provisions, and in accordance with the following:

I. VISITOR WITHOUT PERMISSION TO CARRY OUT LUCRATIVE ACTIVITIES. This visa authorizes the foreigner to transit or remain in Mexico for a maximum uninterrupted period of 180 days counted as of the date of entry. The foreigner is not permitted to carry out lucrative activities in Mexico.

II. VISITOR WITH PERMISSION TO CARRY OUT LUCRATIVE ACTIVITIES. This visa authorizes the foreigner who has a job offer from an academic, artistic,

athletic, or cultural institution or authority, or a foreigner who comes to Mexico to conduct a temporary seasonal remunerated activity pursuant to interinstitutional agreements executed with foreign entities, to remain in Mexico for a maximum uninterrupted period of 180 days counted as of the date of entry.

III. REGIONAL VISITOR. This visa authorizes a foreign citizen or resident of neighboring countries to enter border regions. The foreign citizen or resident of neighboring countries has the right to enter and depart from border regions as many times as he or she wishes, provided he or she does not remain for more than three days. The foreign citizen or resident of neighboring countries does not have permission to receive remuneration in Mexico.

By means of administrative provisions, the Department will establish the legal effect of authorizations and the municipalities and states that make up border regions for the purpose of granting the lawful status of regional visitor.

IV. BORDER WORKER VISITOR. This visa authorizes citizens of foreign countries with which Mexico shares territorial boundaries to remain for up to one year in the states determined by the Department. Border worker visitors are permitted to work in Mexico in exchange for remuneration for the activity related to their job offer. They have the right to enter and depart from Mexico as many times as they wish.

V. VISITOR FOR HUMANITARIAN REASONS. This lawful status is authorized to foreigners who fall under any of the following categories:

a) Those who are offended parties, victims, or witnesses of any crime committed in Mexico.

For the purpose of this Law, notwithstanding other applicable legal provisions, an offended party or victim is considered the person who is the passive subject of criminal conduct, independently of whether the perpetrator is identified, apprehended, judged, or sentenced, and regardless of the family relationship between the perpetrator and the victim.

The offended party, victim, or witness of a crime who is authorized the lawful status of visitor for humanitarian reasons is authorized to remain in Mexico until the process has concluded, after which he or she must depart from the country or request a new lawful status. This person has the right to enter and depart from the country as many times as he or she wishes and may work in Mexico in exchange for remuneration. Afterward, he or she may request the lawful status of permanent resident.

b) Those who are unaccompanied migrant children or adolescents in the terms of Article 74 of this Law.

c) Those who request political asylum, refugee status, or complimentary protection from Mexico until their migratory status is resolved. If the request is answered in their favor, they will be granted the lawful status of permanent resident in the terms of Article 54 of this Law.

The Department may also authorize the lawful status of visitor for humanitarian reasons to foreigners who do not fall under the foregoing categories when there is a humanitarian cause or cause for public interest that makes their admission into Mexico or regularization necessary. In this case, foreigners have permission to work in exchange for remuneration.

VI. VISA FOR CARRYING OUT ADOPTION PROCEDURES. This visa authorizes the foreigner linked to an adoption procedure in Mexico to remain in the country until the final ruling is pronounced and, if applicable, the new certificate for the adopted child or adolescent is registered with the Bureau of Vital Statistics, the corresponding passport is issued, and all the procedures necessary for guaranteeing the child or adolescent's departure from Mexico have been carried out. This authorization will only be issued to citizens of the countries with which Mexico has executed an agreement in matters of adoption.

VII. TEMPORARY RESIDENT. This visa authorizes the foreigner to remain in Mexico for a maximum period of four years, with the possibility of obtaining permission to work in Mexico in exchange for remuneration. This is subject to an employment offer. The foreigner has the right to enter and depart from Mexico as many times as he or she wishes. The foreigner also has the right to family preservation; therefore, he or she may enter with and then request the admission of the people indicated below, who may lawfully reside in Mexico for the time in which the temporary resident permit is in effect:

a) Children of the temporary resident and of the spouse or common-law partner of the temporary resident, provided the children are unmarried children and adolescents under the foreigner's guardianship or custody;

b) Spouse;

c) Common-law partner or equivalent figure, having provided proof of such legal situation in accordance with Mexican law; and

d) The mother or father of the temporary resident.

The individuals indicated in the subsections above are authorized to legally reside in Mexico under the lawful status of temporary resident and may obtain permission to work in Mexico in exchange for remuneration. This is subject to an employment offer. The individuals have the right to enter and depart from Mexico as many times as they wish.

In the event in which a temporary resident has a job offer, he or she will be granted permission to work in Mexico in exchange for remuneration for the activity related to such job offer.

Foreigners who are granted the lawful status of temporary resident may introduce their personal property [into Mexico] in the manner and terms determined by applicable law.

VIII. TEMPORARY STUDENT RESIDENT. This visa authorizes a foreigner to remain in Mexico for the time in which the courses, studies, research projects, or education he or she provides proof that he or she will realize in educational institutions that pertain to the national education system continues until the corresponding certificate, proof of studies, diploma, degree, or academic grade is obtained. The foreigner has the right to enter and depart from Mexico as many times as he or she wishes and may carry out remunerated activities related to tertiary, postgraduate, and research studies.

Student stay authorization is subject to the foreigner's submission of the letter of invitation or acceptance from the corresponding educational institution, which must be renewed on an annual basis. Therefore, the foreigner will provide evidence for the continuation of the conditions that are required for the issuance of initial authorization. The Institute will grant authorization to carry out remunerated activities when there is a letter of acceptance from the corresponding educational institution. This authorization is subject to a work offer for activities related to the foreigner's subject of study. Student temporary residents have the right to enter and depart from Mexico as many times as they wish. They also have the right to family preservation; therefore, they may enter with and then request the admission of the individuals indicated in the foregoing section.

IX. PERMANENT RESIDENT. This visa authorizes a foreigner to remain in Mexico for an undefined period of time. The foreigner may work in Mexico in exchange for remuneration.

**Article 53.** Visitors may not change their lawful status and must depart from the country after their authorized length of stay ends. This does not include visitors for humanitarian reasons or those who have links to a Mexican or foreigner with legal residency in Mexico.

**Article 54.** The condition of permanent resident will be granted to the foreigner who falls into any of the following categories:

I. [If present in Mexico] for reasons of political asylum, refugee status and complimentary protection recognition, or approval as stateless after having complied with the requirements of this Law, its Regulations, and other applicable legal provisions;

II. [If present in Mexico] for the right to family preservation indicated in Article 55 of this Law;

III. Those who are retired or pensioned and who receive income from a foreign government, international agency, or private company for services rendered abroad that permits them to live in Mexico;

IV. In the terms of Article 57 of this Law, [those who are present in Mexico] per decision of the Institute and in accordance with the point system established for such purpose;

V. [A foreigner for whom] four years have transpired since the foreigner has had a temporary resident permit;

VI. As a result of having children who are Mexican citizens by birth; and

VII. As a result of being a direct ancestor or descendent of an individual who is a Mexican citizen by birth, up to the second degree.

Foreigners granted the lawful status of permanent resident may obtain permission to work in Mexico in exchange for remuneration. This is subject to an employment offer. These individuals have the right to enter and depart from Mexico as many times as they wish.

In addition, permanent residents may introduce their personal property [into Mexico] in the manner and terms determined by applicable law.

Issues related to the recognition of refugee status, granting of complimentary protection, and approval as stateless are governed by the international treaties and conventions to which Mexico is a party and other applicable laws.

**Article 55.** Permanent residents have the right to family preservation; therefore, they may enter with and then request the admission of the following people, who may reside in Mexico under the same lawful status and with the same prerogatives indicated in the foregoing article:

I. The mother or father of the permanent resident;

II. Spouse, who will be granted the lawful status of temporary resident for two years, after which he or she may obtain the lawful status of permanent resident, provided the marriage is still intact;

III. Common-law partner or equivalent figure, who will be granted the lawful status of temporary resident for two years, after which he or she may obtain the lawful status of permanent resident, provided the common-law marriage is still intact;

IV. Children of the permanent resident, spouse, or common-law partner, provided the children are unmarried children and adolescents under their guardianship or custody; and

V. Siblings of the permanent resident, provided they are unmarried children and adolescents or are under his or her legal representation.

The international treaties and conventions to which Mexico is a party and other applicable legislation will be adhered to when exercising the right established in this article for the individuals who are recognized as refugees.

**Article 56.** Mexicans have the right to family preservation; therefore, they may enter with and then request the admission of the following foreigners:

I. Mother or father;

II. Spouse, who will be granted the lawful status of temporary resident for two years, after which he or she may obtain the lawful status of permanent resident, provided the marriage is still intact;

III. Common-law partner or equivalent figure, providing evidence of such legal situation in accordance with Mexican civil law, who will be granted the lawful status of temporary resident for two years, after which he or she may obtain the lawful status of permanent resident, provided the common-law marriage is still intact;

IV. Children born abroad when they are not Mexican citizens in accordance with Article 30 of the Constitution;

V. Children of the foreign individual's spouse or common-law partner, provided they are unmarried children and adolescents or are under the individual's legal representation; and

VI. Siblings of the individual, provided they are unmarried children and adolescents or are under the individual's legal representation.

**Article 57.** The Department may establish a point system by means of which foreigners may acquire permanent residency through general administrative provisions published in the Federal Official Gazette without complying with the four years of prior residency. Foreigners entering Mexico under the point system will have a work permit and the right to family preservation. Therefore, they may enter with or then request the admission of the individuals indicated in Article 55 of this Law.

The Department will allow foreigners to acquire permanent residency in Mexico through the point system. Such system must take at least the following into consideration:

I. Criteria for entry under the point system, considering the provisions of Article 18, section II of this Law for establishing quotas for the entry of foreigners into Mexico;

II. The applicant's capacity, considering level of education, work experience, aptitudes in areas related to the development of science and technology, international recognition, and aptitudes for carrying out the activities required by Mexico, among others.

III. The procedure for requesting entry in such manner.

**Article 58.** Foreigners have the right to migratory authorities issuing to them the documentation that serves as evidence of their regular migratory status once the requirements established in this Law and its Regulations have been met. Foreigners must also show their passports or current identification and trip document when the documents issued by migratory authorities do not contain photographs.

**Article 59.** Temporary and permanent residents will have a period of 30 calendar days counted as of their entry into Mexico to arrange for the corresponding resident card with the Institute, which will remain current throughout the time for which their stay is authorized. This does not apply to those who request political asylum, recognition of refugee status, or approval as stateless. They will use this card to provide proof of their regular migratory status in Mexico while it is current.

Those requesting political asylum, refugee status, or approval as stateless, or those who are granted complimentary protection, will obtain their permanent resident cards upon the conclusion of the corresponding procedure.

Temporary and permanent residents will have the right to obtain a personal identity number (*Clave Única del Registro de Población*) from the Department once the resident card has been obtained.

The requirements and procedures for obtaining the corresponding resident card will be established in the Regulations.

**Article 60.** Foreigners, independent of their lawful status and on their own or by means of an attorney-in-fact, and without the need for the Institute's permission, may acquire fixed or variable income securities and make bank deposits, as well as acquire urban real estate and the real property rights to it, subject to the restrictions of Article 27 of the Constitution and other applicable provisions.

**Article 61.** No foreigner may have two lawful statuses at the same time.

**Article 62.** Foreigners authorized to have the lawful status of temporary resident may request that the Institute authorize a change in lawful status after having complied with the requirements established in the Regulations.

**Article 63.** The National Registry of Foreigners is comprised of information related to all foreigners who acquire the lawful status of temporary or permanent resident.

Foreigners are obligated to notify the Institute of any change in civil status, change in nationality that differs from nationality upon entry, change of address, or change in workplace within 90 days after such change occurs.

**Article 64.** The Institute must cancel temporary or permanent resident status for the following reasons:

- I. The foreigner states that his or her departure is final;
- II. The foreigner is authorized another lawful status;
- III. The foreigner provides false information or exhibits fake or legitimate official documentation that has been illegally obtained to the Institute;
- IV. The foreigner loses his or her lawful status for the other reasons established in this Law;
- V. The foreigner loses recognition of his or her refugee status or complimentary protection pursuant to applicable legal provisions; and
- VI. The foreigner is subject to a criminal proceeding or sentenced for a serious crime pursuant to national criminal laws or the provisions of the international treaties and conventions to which Mexico is a party, or if he or she could compromise national security or public safety as a result of his or her background in Mexico or abroad.

**Article 65.** In regard to real estate matters, foreigners must provide evidence of their regular migratory status in Mexico in the legal acts in which notary publics, those substituting them, or those acting as them are required, as well as business brokers [sic].

Foreigners must draft the corresponding waivers in accordance with Article 27 of the Constitution, the Foreign Investment Act, and other applicable laws and provisions.

## **TITLE FIVE**

### **REGARDING THE PROTECTION OF MIGRANTS IN TRANSIT THROUGH MEXICO**

#### **SOLE CHAPTER**

##### **GENERAL PROVISIONS**

**Article 66.** A migrant's migratory status will not hinder the exercise of his or her rights and liberties under the Constitution, under the international treaties and conventions to which Mexico is a party, or under this Law.

Mexico guarantees the personal safety of migrants, regardless of their migratory status.

**Article 67.** All migrants with irregular migratory status have the right to not be discriminated against in any manner and to be treated with due respect for their human rights.

**Article 68.** Migrants with irregular migratory status may only be detained by the Institute in the events provided for in this Law. This must be recorded and may not exceed a 36-hour period counted as of the time in which they are detained.

During the administrative migratory procedure that includes detention, holding in migratory detention facilities, assisted return, and deportation, the Institute's public servants must respect the recognized rights of migrants with irregular migratory status that are established in Title Six of this Law.

**Article 69.** Migrants with irregular migratory status in Mexico have the right to be provided information regarding the following by migratory authorities at the time in which they are detained:

I. Their rights and freedoms in accordance with applicable law and with the international treaties and conventions to which Mexico is a party;

II. The reason for their detention;

III. The requirements established for their admission, rights, and obligations pursuant to applicable law;

IV. The immediate notification of their detention by the migratory authority to the consulates of the countries of which they state they are citizens, except in the event in which a foreigner could attain political asylum or refugee status;

V. The possibility of regularizing their migratory status in the terms of Articles 132, 133, and 134 of this Law; and

VI. The possibility of establishing a guarantee in the terms of Article 102 of this Law.

**Article 70.** All migrants have the right to be assisted or legally represented by the individual they appoint throughout the administrative migratory procedure. The Institute may execute the collaboration agreements that are required and establish means of making it easier for civil society groups to offer consulting and legal representation services to migrants with irregular migratory status for whom administrative migratory procedures have commenced.

Throughout administrative migratory procedures, migrants will have the right to due process, which consists of the procedure being carried out by a competent authority, the right to provide evidence and allege what is in their best interests, the rights to have access to administrative migratory file records, the right to a translator or interpreter in order to facilitate communication in the event in which they do not speak or understand Spanish, and the right to the authority's resolutions being duly grounded in law and fact.

**Article 71.** The Department will create groups for protecting migrants located in Mexico. These groups will have the purpose of protecting and defending their rights, regardless of their nationality or migratory status.

The Department will execute collaboration agreements with the agencies and entities of the Federal Public Administration, state and municipal entities, civil society groups, and private groups so that they participate in the establishment and operation of groups for protecting migrants.

**Article 72.** The Department will execute agreements with federal, state, and municipal agencies and entities in order to implement actions for assisting humanitarian acts, humanitarian aid, and migrant protection carried out by legally established civil society groups.

**Article 73.** The Department must implement actions that permit the provision of proper attention to migrants, such as unaccompanied migrant children and immigrants, women, crime victims, handicapped people, and the elderly, who, for various factors or a combination thereof, face situations that render them vulnerable.

For such purpose, the Department may execute collaboration agreements with the agencies and entities of the Federal Public Administration, states and municipalities, and civil society groups specializing in addressing vulnerable individuals.

**Article 74.** When in the best interests of the unaccompanied foreign migrant child or adolescent, such child or adolescent will be provisionally documented as a visitor for humanitarian reasons in the terms of Article 52, section V of this Law

while the Department offers temporary or permanent humanitarian or legal alternatives to assisted return.

The Regulations establish the procedure that must be followed for determining the best interests of unaccompanied migrant children or adolescents.

**Article 75.** The Department will execute collaboration agreements with federal, state, and municipal entities agencies and entities in order to establish collaborative actions in matters of prevention, prosecution, combatting, and aid to migrants who are the victims of crime.

**Article 76.** The Institute may not conduct migratory verification visits to the places in which migrants harbored by civil society groups are located or where individuals who carry out humanitarian acts or acts for aiding and protecting migrants are located.

## **TITLE SIX**

### **REGARDING ADMINISTRATIVE MIGRATORY PROCEDURE**

#### **CHAPTER I**

##### **GENERAL PROVISIONS IN MATTERS OF VERIFICATION AND MIGRATORY REGULATION**

**Article 77.** Administrative migratory procedure is governed by the provisions of this Title, the Regulations, and the general administrative provisions issued by the Department. It is governed by the Federal Rules of Administrative Procedure Act (*Ley Federal de Procedimiento Administrativo*) in a suppletory manner. Migrant human rights will be fully respected during prosecution of all the stages of proceedings.

**Article 78.** Interested parties may request certified copies of the motions and documents filed during administrative migratory procedures, as well as of the corresponding rulings, which will be delivered within a maximum period of 15 business days.

The foregoing, notwithstanding the Federal Public Government Information Transparency and Access Law in regard to reserved and confidential information.

**Article 79.** The Institute may gather evidence using the means of evidence it considers necessary for better understanding, only subject to the limitations established in this Law.

**Article 80.** When exercising its control, verification, and migratory review authorities, the Institute must consult and inform the responsible authorities in national security regarding the detention and identification of subjects who are linked to terrorism or organized crime, or regarding any other activity the places

national security at risk. The Institute must also provide assistance during the investigations that such authorities require.

## **CHAPTER II** **REGARDING MIGRATORY CONTROL**

**Article 81.** Migratory control actions include review of the documentation of individuals who attempt to enter into or depart from Mexico, as well as inspection of the means of transportation used for such purposes. Federal police will assist and coordinate with the Institute in such actions.

The Institute may carry out its migratory control duties in places that differ from those allocated to international human transit by sea and air upon an express request of the Department of Communication and Transportation that is duly grounded in law and fact.

**Article 82.** The Institute's personnel, except for cleaning personnel, will have priority to inspect any manner of entry or departure of individuals, whether in national or foreign transportation; maritime, air, or land transportation; or at ports, borders, or airports.

**Article 83.** No maritime transportation crew or passenger may disembark before the Institute has conducted the corresponding inspection.

**Article 84.** No air or maritime transportation in international transit may depart from airports or ports before the Institute has conducted the departure inspection and dispatch authorization has been received from them [sic].

**Article 85.** Official foreign government airplanes and those of international agencies that are admitted into Mexico in an official capacity are exempt from inspection. This includes the functionaries of such governments or agencies and their families and employees, as well as those individuals on board such airplanes, and those enjoy immunities in accordance with the international laws, treaties, and conventions to which Mexico is a party.

According to international custom, the functionaries of foreign governments and international agencies with official capacity will be provided the means necessary for their admission into Mexico, complying with migratory control requirements.

**Article 86.** A foreigner whose admission is denied by the Institute as a result of not complying with the requirements established in Article 37 of this Law must leave Mexico to the expense of the company that transported him or her, notwithstanding the corresponding sanctions under this Law.

The denial referred to in the foregoing paragraph is the decision adopted by the Institute at the migratory review filters located at the places allocated to international human transit by land, sea, and air. Therefore, an individual will be

denied legal admission into Mexico for not complying with the requirements of this Law, its Regulations, and other applicable legal provisions.

With respect to maritime transportation, a foreigner will not be authorized to disembark when denied entry. When there is no material possibility for the boat to depart from Mexico, the foreigner will be detained and his or her immediate departure from the country will proceed, with a charge to the shipping company.

**Article 87.** When migratory authorities inform of an irregularity in the documentation submitted by an individual who is attempting to enter Mexico, his or her documentation does not satisfy the requirements of this Law, or there is a legal impediment, a second review will be conducted.

**Article 88.** In the event in which the Institute rules to deny a foreigner entry, a written record will be made in which the reason for inadmissibility of the foreigner being addressed into Mexico is duly grounded in law and fact.

**Article 89.** The places allocated to international human transit by land, sea, and air must be equipped with spaces that are adequate for the foreigner's temporary stay until his or her admission or denial, if any, is authorized in accordance with applicable legal provisions.

**Article 90.** Visiting any maritime transportation in international transit will be prohibited unless prior authorization is provided by the health authorities and the Institute's personnel.

**Article 91.** Transportation companies will respond financially for the violations of this Law and its Regulations that are committed by their employees, agents, or representatives, notwithstanding the direct liability they incur.

### **CHAPTER III REGARDING MIGRATORY VERIFICATION**

**Article 92.** The Institute will conduct verification visits in order to confirm whether foreigners located in Mexico comply with the obligations established in this Law and its Regulations.

The Institute will conduct a verification visit in the following events:

- I. To confirm the veracity of the information provided in migratory procedures;
- II. When informed that the period granted for the foreigners' stay in Mexico has expired; and
- III. In order to obtain the elements that are necessary for the application of this Law, its Regulations, and other applicable legal provisions, provided that this is grounded in law and fact.

The Institute must exercise the authority to conduct verification visits as this addresses issues of public interest.

The order by means of which a migratory verification is given must be issued by the Institute, specifying the party responsible for the procedure and the personnel assigned to carrying it out, as well as the place or zone to be verified, the purpose of the verification, its required scope, and the applicable legal provisions that ground it in law and fact.

**Article 93.** The Institute will receive and address complaints against foreigners for the presumed commission of crimes. These complaints must be immediately assigned to the competent authority.

**Article 94.** When so required by the Institute, foreigners must provide proof of their regular migratory status in Mexico in the terms of this Law and its Regulations.

**Article 95.** If, based on the verification visit, it is detected that a foreigner does not have the documents that serve as evidence of his or her regular migratory status in Mexico, the foreigner will be handed over to the Institute so that his or her migratory status may be resolved in the terms established in Chapter V of this title.

Outside of the cases indicated in the foregoing paragraph, the record made must contain the information that is necessary for summoning the foreigner to continue with the procedure at hand.

**Article 96.** The authorities will collaborate with the Institute in order to carry out their duties when the Institute requests this, without this implying that they may independently perform control, verification, and migratory review duties.

#### **CHAPTER IV REGARDING MIGRATORY INSPECTION**

**Article 97.** In addition to the places established for international human transit, the Institute may conduct migratory inspections inside Mexico in order to verify foreigner migratory status.

The order by means of which migratory inspection is given must be grounded in law and fact and must be issued by the Institute, specifying the party responsible for the procedure and the personnel assigned to it. The duration of the inspection and the geographical zone or place in which it will be carried out must be specified.

**Article 98.** If, based on the migratory inspection, it is detected that a foreigner does not have the documents that serve as evidence of his or her regular migratory status in Mexico, the terms of Article 100 of this Law will be actualized.

## **CHAPTER V**

### **REGARDING THE DETENTION OF FOREIGNERS**

**Article 99.** The detention of foreigners in detention facilities or places outfitted for this purpose until their migratory status in Mexico is determined is of public interest.

Detention of foreigners is the measure ruled by the Institute through which the temporary stay of a foreigner who does not provide evidence for his or her migratory status is agreed upon in order to regularize his or her stay or return assistance.

**Article 100.** When a foreigner is handed over to the Institute as a result of verification procedures or migratory inspection and one of the events provided for in Article 144 of this Law is actualized, the corresponding detention consent will be issued within 24 hours following the time in which the foreigner is handed over.

**Article 101.** Once the detention consent is issued, and during the time in which a ruling regarding the foreigner's migratory status has not yet been pronounced, in the cases and in accordance with the requirements indicated in the Regulations, the foreigner may be delivered in custody to the diplomatic representative of the country of which he or she is a citizen, or to a legal entity or a renowned reliable institution whose purpose is related to the protection of human rights, and the foreigner will be obligated to remain at an address located in the territorial jurisdiction in which the detention facility is located for the purpose of duly following up on the administrative migratory procedure.

**Article 102.** In order to obtain regular status in Mexico, a foreigner subjected to an administrative procedure may do the following until a final ruling is pronounced:

- a) Provide a sufficient guarantee that is satisfactory to the authority;
- b) Establish an address or place in which he or she will remain;
- c) Not be absent from this place without the authority's prior authorization; and
- d) Submit a letter of responsibility signed by a [Mexican] citizen or Mexican social organization.

The guarantee may be established as a surety bond, deposit-in-court certificate, or any other manner permitted by law.

**Article 103.** Judiciary authorities must notify the Institute of the filiation<sup>4</sup> [sic] of the foreigner subject to provisional remedies or preliminary injunctions, or if the

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foreigner has a citation, arrest warrant, or indictment at the time issued, notifying the crime of which he or she is the alleged perpetrator.

In the event of indictment and conviction or acquittal, they must notify the Institute within 24 hours of this ruling.

**Article 104.** Once the ruling indicated in the foregoing article has been executed, the competent administrative or judiciary authority will immediately provide the foreigner's medical certificate that provides evidence of his or her physical status to the Institute so that his or her migratory status is ruled upon in the terms of Chapter V of this title.

**Article 105.** Regarding the transfer of foreigners who are detained or in the process of voluntary return, the Institute may request the assistance of federal law enforcement in accordance with Article 96 of this Law and other applicable legal provisions.

## **CHAPTER VI**

### **REGARDING THE RIGHTS OF THOSE HELD IN DETENTION FACILITIES**

**Article 106.** The Institute will establish detention facilities or permit provisional stay in the places in Mexico it deems suitable for detaining migrants.

A number of migrants that exceeds the physical capacity of an assigned detention facility will not be held in detention. In no event may jails, preventive detention facilities, final detention facilities, or any other real property that does not comply with the characteristics or provide the services specified in the following article be authorized as detention facilities.

**Article 107.** Detention facilities must at minimum comply with the following requirements:

I. Provide medical, psychological, and legal services;

II. Attend to the nutritional needs of the foreigner detained, offering him or her three meals per day. The Institute must ensure that food is of adequate quality. Individuals with special nutritional needs, such as children, adolescents, elderly people, and pregnant or lactating women, will receive an adequate diet so that their health is not affected while their migratory status is being defined;

In addition, special diets will be authorized when the corresponding medical treatment prescribed to the detainee requires this. Likewise, this applies to people who request such diet for religious reasons.

III. Keep men and women separate and employ measures that ensure foreigners' personal safety, preferably keeping children with their mothers, fathers,

or the individuals accompanying them, except when in the best interests of the child or adolescent;

IV. Further the right to family preservation;

V. Guarantee respect for the human rights of the detained foreigner;

VI. Maintain adequate facilities that avoid overcrowding;

VII. Be equipped with spaces for athletic and cultural recreation;

VIII. Permit the access of legal representatives or the people in which they confide, as well as consular assistance;

IX. Permit individuals who meet the requirements established in the applicable legal provisions to visit. In the event access is denied, denial must be delivered in writing and duly grounded in law and fact; and

X. The other requirements established in the Regulations.

The Institute will aid the National Commission on Human Rights (*Comisión Nacional de los Derechos Humanos*) in verifying compliance with the requirements of this article, as well as the access of civil society groups, in accordance with the applicable legal provisions.

**Article 108.** In order to attain peaceful coexistence and to maintain the safety of foreigners held in detention facilities, order and discipline will be maintained in adherence with the administrative provisions issued by the Department, at all times respecting their human rights.

**Article 109.** All detainees have the following rights as of admission into the detention facility, as the case may be:

I. To know the location of the detention facility in which they are detained, as well as the applicable rules and the services to which they will have access.

II. To be informed of the reason for their admission into the detention facility; of the migratory procedure; of their right to request refugee status or approval as stateless; of their right to regularize their stay in the terms of Articles 132, 133, and 134 of this Law, as the case may be; of the possibility of voluntarily requesting assisted return to their countries of origin; and of the right to bring an effective appeal against the Institute's rulings.

III. To be protected by their consular representative and communicate with him or her. In the event in which a foreigner wishes to receive the protection of his or her consular representative, he or she will be provided with the means of communicating with this representative as quickly as possible.

IV. To receive their rights and obligations in writing, as well as the instances in which they may file complaints and charges.

V. To the procedure being carried out by a competent authority, as well as the right to receive legal counsel, to provide evidence, and to allege what is in their best interest. In addition, they will have access to the administrative migratory file records.

VI. To have access to a translator or interpreter to aid communication in the event in which they do not speak or understand Spanish.

VII. To have access to communication by telephone.

VIII. To receive food, basic furnishings for personal hygiene, and medical care, if necessary.

IX. To be visited by their family members and legal representatives.

X. To participate in the recreational, educational, and cultural activities organized within the facilities.

XI. To not be discriminated against by authorities on the grounds of ethnic or national origin, gender, age, disability, social or economic status, state of health, pregnancy, language, religion, opinion, sexual orientation, civil status, or any other circumstance for the purpose of hindering or nullifying the recognition or exercise of individual rights and true equal opportunities.

XII. To receive humane treatment throughout their stay in the detention facility.

XIII. To detention facilities being equipped with separate detention areas for men and women, at all times guaranteeing the right to family preservation, except in the cases in which separation is considered to be in the best interests of children or adolescents.

XIV. To detention facilities having separate detention areas for unaccompanied migrant children and adolescents while they are being channeled to the institutions in which they will be provided adequate care.

XV. To the other rights established in the general provisions issued by the Department.

**Article 110.** Security, surveillance, and custody personnel performing duties in women's bedrooms shall only be women.

**Article 111.** The Institute will rule on the regular status of detained foreigners within a maximum period of 15 business days counted from the date of their detention.

[Foreigners] may only be held in detention facilities for more than the 15 business days indicated in the previous paragraph in any of the following situations:

I. When there is no verifiable information regarding their identity and/or nationality, or it is difficult to obtain identification and trip documents;

II. When the consulates or embassies of the country of origin require more time to issue identification and trip documents;

III. When their transit is impeded by other countries or there is an obstacle to establishing the final destination trip itinerary;

IV. When there is a medically-proven mental or physical handicap or illness that makes it impossible for the detained migrant to travel; and

V. When an administrative-law action or judiciary action has been filed in which issues inherent to the foreigner's migratory status in Mexico are claimed, or when an *amparo*<sup>5</sup> action is filed and a competent authority expressly prohibits the foreigner from being transferred or leaving Mexico.

Foreigners may not be held in detention facilities for more than 60 business days in the situations indicated in sections I, II, III, and IV of this article.

After such period has elapsed, the Institute will grant them the stay condition of visitor with permission to receive remuneration in Mexico while the situation for which they were granted such stay condition persists. Once this period has transpired, the Institute must determine the foreigner's migratory status.

## **CHAPTER VII**

### **REGARDING THE PROCEDURE FOR ADDRESSING INDIVIDUALS IN VULNERABLE SITUATIONS**

**Article 112.** When an unaccompanied migrant child or adolescent is handed over to the Institute, he or she will remain in its custody and respect for his or her human rights must be guaranteed, with specific adherence to the following:

I. The Institute will immediately channel the unaccompanied migrant child or adolescent to the National System for Integral Family Development and its state and Federal District systems in order to favor his or her stay in places where he or she will be provided with adequate care while his or her migratory status is being resolved.

When, as a result of an exceptional circumstance, unaccompanied foreign migrant children and adolescents are held in a detention facility until they are

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transferred to the facilities of the National System for Integral Family Development and its state and Federal District systems, in such facility they must be assigned a specific space for their stay that is separate from the space allocated to the detention of adults. The authority must at all times respect the rights of unaccompanied migrant children and adolescents that are provided for in this Law and in applicable legislation.

II. The child or adolescent will be informed of the reason for detention, his or her rights regarding the migratory procedure, the services to which he or she has access, and will be placed in contact with his or her country's consulate, except in the event in which, upon the Institute's judgment or the child or adolescent's request, he or she could attain political asylum or refugee status, in which case a consular representative will not be contacted.

III. The consulate corresponding to the child or adolescent's nationality or residency will be notified of the location of the national or state System for Integral Family Development, or the detention facility, to which he or she was channeled and the conditions under which he or she is found, except in the event in which, upon the Institute's judgment or the child or adolescent's request, he or she could attain political asylum or refugee status, in which case a consular representative will not be contacted.

IV. Institute personnel specializing in child protection and trained in child and adolescent rights will interview the child or adolescent for the purpose of learning his or her identity; country of nationality or residency; migratory status; family members' whereabouts; and specific protective, medical, and psychological needs.

A representative of the National Commission on Human Rights may be present at these interviews, independent of the authority that corresponds to the child or adolescent's legal representative or the person in which he or she confides.

V. The child or adolescent's adult relatives will be sought out in coordination with the consulate of the country of which the child or adolescent is a citizen or resident, or the institution of the corresponding country that is assisting the child or adolescent, except in the event in which, upon the Institute's judgment or the child or adolescent's request, he or she could attain political asylum or refugee status, in which case a consular representative will not be contacted

In the event in which the child or adolescent falls into the categories established in Articles 132, 133, and 134 of this Law, he or she will have the right to the regularization of his or her migratory status.

VI. Once a child or adolescent's migratory status has been ruled upon, and in the event in which the advisability of his or her assisted return has been ruled upon, this situation will be notified to the corresponding consulate with sufficient time for receiving the child or adolescent in his or her country of nationality or residency.

Assisted return of a migrant child or adolescent to his or her country of nationality or residency will be carried out in attention to the child's or adolescent's best interests and his or her vulnerable situation, with full respect for his or her human rights and with the participation of the competent authority of the country of nationality or residency.

**Article 113.** In the event in which foreigners are pregnant women, elderly people, handicapped people, or indigenous people, or in the event in which they are victims or witnesses of serious crimes committed in Mexico and their emotional state does not allow them to make a decision with respect to their desire to return to their countries of origin or to remain in Mexico, the Institute will take the pertinent measures in order to favor their stay in specialized public or private institutions that are capable of providing them the care they require, if this is required.

The Institute may channel foreign crime victims to specialized institutions so that they are properly attended to in the event they have regular migratory status in Mexico or have been regularized by the Institute in the terms of this Law.

The procedure that the Institute must follow for detecting, identifying, and attending to foreign crime victims will be regulated in the Regulations.

#### **CHAPTER VIII**

#### **REGARDING THE ASSISTED RETURN AND DEPORTATION OF FOREIGNERS WHO ARE LOCATED IN MEXICO ILLEGALLY**

**Article 114.** The federal executive branch is exclusively responsible for removing a foreigner whose stay is judged disadvantageous from Mexico in accordance with Article 33 of the Political Constitution of the United Mexican States.

**Article 115.** The Institute will have assisted return and deportation mechanisms for removing a foreigner who has not observed the provisions of this Law and its Regulations from Mexico.

**Article 116.** In accordance with the applicable legal provisions, the Department, in coordination with the Ministry of Foreign Affairs, may execute international instruments with agencies of other countries and with international agencies in matters of the safe, decent, orderly, and humane assisted return of foreigners who are illegally present in Mexico.

**Article 117.** The Regulations will establish the guidelines that the interinstitutional instruments indicated in the foregoing article must contain, as well as the prevision [sic] necessary for regulating this chapter.

**Article 118.** Foreigners who fall into the following categories may request the benefit of assisted return, regardless of that which is established to such effect in interinstitutional instruments:

I. Those who are unlawfully present in Mexico, at the Institute's discretion.

II. Those for whom there is no legal restriction issued by a competent authority on their departure from the country.

In the event in which a foreigner decides to not request the benefit of assisted return, he or she will be detained in accordance with this Law.

**Article 119.** The assisted return of individuals of over 18 years of age who are unlawfully present in Mexico will be carried out upon the foreigner's express request. Full respect for human rights will be guaranteed during the procedure. The foreigner will have the right to the following prior to assisted return:

I. To be informed of his or her right to receive protection from his or her consular representative and communicate with this representative. In the event in which a foreigner wishes to receive the protection of his or her consular representative, he or she will be provided with the means of communicating with this representative as quickly as possible.

II. To receive information regarding the possibility of remaining in Mexico in a lawful manner, as well as the assisted return procedure, including information related to available legal recourse.

III. To notify his or her family members, legal representative, or a person in which he or she confides in Mexico or abroad. For such purpose, he or she will be provided with the means of communicating with this person as quickly as possible.

IV. To have access to a translator or interpreter to aid communication in the event in which the foreigner does not speak or understand Spanish.

V. To the procedure being carried out by a competent authority, as well as the right to receive legal counsel, to provide evidence, and to allege what is in his or her best interest. In addition, he or she will have the right to have access to administrative migratory file records.

VI. To the Institute's ascertaining whether the foreigner possesses legal citizenship of or residency in the receiving country.

VII. To be transferred along with his or her personal effects.

VIII. In the event in which the foreigner is rejected by the destination country, to be returned to Mexico so that the Institute may define his or her migratory status.

**Article 120.** During the assisted return procedure, family preservation principles will be favored, and special attention will be given to individuals in vulnerable situations, procuring that family members travel together.

The assisted return procedure will be applied to unaccompanied children and adolescents, pregnant women, victims and witnesses of crimes committed in Mexico, handicapped people, and the elderly with the intervention of the consular functionaries or migration officers of the receiving country. The following must also be taken into consideration:

I. The best interests of these individuals in order to guarantee their best protection.

II. Their vulnerable situations in order to establish the manner and terms in which they are to be transferred to their countries of origin.

Unaccompanied migrant children and adolescents and victims and witnesses of crimes committed in Mexico will not be deported and, addressing their wishes or best interests in order to guarantee their best protection, may be subject to the assisted return procedure or procedure for regularizing their migratory status.

**Article 121.** A foreigner who is subject to an assisted return or deportation administrative migratory procedure will remain present in a detention facility in accordance with Article 111 of this Law.

Assisted return and deportation may not be carried out to any country differing from the foreigner's country of origin or residency, except in regard to those foreigners who have requested political asylum or refugee status, in which case the principle of non-refoulement will be observed.

**Article 122.** Foreigners will have the right to the following during a deportation procedure:

I. To be served notice of the commencement of such administrative migratory procedure;

II. To receive the protection of their consular representatives and communicate with them, unless a foreigner has requested political asylum or refugee status; In the event in which a foreigner wishes to receive the protection of his or her consular representative, he or she will be provided with the means of communicating with this representative as quickly as possible;

III. To notify his or her family members or a person in which he or she confides in Mexico or abroad. For such purpose, he or she will be provided with the means of communicating with this person as quickly as possible;

IV. To receive information regarding the deportation procedure, as well as the right to file an effective appeal against the Institute's rulings;

V. To have access to a translator or interpreter to aid communication in the event in which the foreigner does not speak or understand Spanish; and

VI. To receive legal counsel.

**Article 123.** The Institute will in all cases provide the means of transportation necessary for transporting foreigners to their countries of origin or residency. Additionally, it must arrange for the supply of potable water and necessary food during the trip, if necessary and in accordance with applicable legal provisions.

With respect to the mechanisms contained in this chapter, foreigners must be accompanied by Mexican migratory authorities, which must at all times respect the foreigners' human rights.

**Article 124.** Foreigners who return to their country of origin or residency by means of the assisted return administrative migratory procedure will be handed over to the competent authority in the receiving country in the manner and according to the terms agreed upon in the interinstitutional instruments executed with the country of origin.

**Article 125.** The transfer of foreigners who request assisted return may only be temporarily suspended by acts of God or in causes of force majeure and will be resumed once the cause for suspension has been overcome.

## **CHAPTER IX**

### **REGARDING ADMINISTRATIVE MIGRATORY PROCEDURE IN MATTERS OF MIGRATORY REGULATION**

**Article 126.** Migratory procedure requests must contain the information and meet the requirements indicated in the Law, Regulations, and other general administrative provisions.

**Article 127.** A visa request must be submitted personally by the corresponding foreigner at a consulate, except in cases of the right to family preservation, job offers, or humanitarian reasons. The request may be processed in Mexico in the terms of Article 41 of this Law.

**Article 128.** The migratory authority must issue a ruling for migratory procedures within a period of no more than 20 business days counted as of the date on which the applicant complies with all the formal requirements required by this Law, its Regulations, and other applicable administrative provisions. A ruling will be understood as unfavorable once such period has transpired without a ruling having been issued.

If the individual requires, the authority will issue a record of such occurrence within two business days following the submission of the request for issuing such record.

**Article 129.** Requests for issuing visas that are submitted to consulates must be ruled on within a 10 business day-period.

**Article 130.** If the interested party does not meet the requirements applicable to the requested migratory procedure, the migratory authority will notify him or her in accordance with the Federal Rules of Administrative Procedure Act and grant him or her a 10 business-day period as of the date on which he or she is notified in order to remedy the omitted requirements. The procedure will be denied if the [omitted] requirements are not remedied.

**Article 131.** The reports or opinions necessary for ruling on a migratory procedure requested of other authorities must be issued within a period of no more than 10 calendar days. If a report or opinion is not received within such period, the Institute will assume that there is no objection to the interested party's wishes.

**Article 132.** Foreigners will have the right to request the regularization of their migratory status when they fall into one of the following categories:

- I. If they lack the documentation necessary for providing proof of their regular migratory status;
- II. If the documentation with which they provide proof of their migratory status has expired; or
- III. If they no longer meet the requirements pursuant to which they were granted a specific migratory status.

**Article 133.** The Institute may regularize the migratory status of foreigners who are located in Mexico and who state their interest to temporarily or permanently reside in Mexico, provided they meet the requirements of this Law, its Regulations, and other applicable legal provisions. Regularization may be granted by conferring the corresponding migratory status upon a foreigner in accordance with this Law.

Notwithstanding the foregoing, a foreigner located in Mexico and who falls into one of the following categories has the right to his or her migratory status being regularized:

- I. If the foreigner provides evidence of being the spouse or common-law partner of a Mexican or foreigner with the migratory status of resident;
- II. If the foreigner provides evidence of being the father, mother, or child, or of being the legal representative or guardian or the Mexican or foreign individual with the migratory status of resident;

III. If the Institute or a competent authority identifies the foreigner as a victim or witness of a serious crime committed in Mexico;

IV. If the foreigner's level of vulnerability hinders or makes impossible his or her deportation or assisted return; and

V. If the foreigner is a child or adolescent subject to removal and international return procedures.

**Article 134.** Foreigners may also request the regularization of their migratory status, except in regard to the provisions of Article 43 of this Law, when:

I. They have obtained the authorization to be legally admitted into Mexico and have exceeded the initially-granted length of stay, provided they submit their request within 60 calendar days following the expiration of the authorized length of stay.

II. They carry out activities that differ from those permitted under their migratory status.

For purposes of the foregoing, [these] foreigners must meet the requirements established in this Law, its Regulations, and other applicable legal provisions.

**Article 135.** Foreigners must comply with the following in order to carry out the migratory status regularization procedure:

I. Submit a document to the Institute through which the regularization of their migratory status is requested, specifying the irregularity incurred;

II. Submit an official document that serves as evidence of their identity;

III. Exhibit the documents that serve as evidence they have a link to a Mexican or foreigner with lawful residency in Mexico, in the event such link exists;

IV. Submit the expired migratory document in the event in which the length of stay initially granted has been exceeded;

V. Provide proof of payment of the fine specified in this Law; and

VI. The provisions of this Law and its Regulations with respect to the lawful status they wish to acquire.

**Article 136.** The Institute may not detain a foreigner who appears at the Institute on his or her own behalf to request the regularization of his or her migratory status.

In the event in which a foreigner is located at a detention facility and falls into the categories provided for in Articles 133 and 134 of this Law, he or she will be

provided with the official document for departure from the facility during the following 24 hours counted as of the time in which the foreigner provides evidence that he or she is in compliance with the requirements established in this Law and its Regulations so that he or she may go to the Institute's office in order to regularize his or her migratory status, except as established in Article 113, in which the reflection period for victims or witnesses of a crime must be respected.

The Institute will have a 30 calendar-day term counted as of the admission of the corresponding procedure to issue a ruling regarding the request to regularize [a foreigner's] migratory status.

**Article 137.** The Institute may issue departure and return permits for a set period to foreigners with procedures pending resolution that have not been deemed final. The Institute will issue an order to depart from Mexico to a foreigner when:

- I. [The foreigner] desists from his or her migratory procedure;
- II. His or her migratory procedure is denied; and
- III. The foreigner requests this.

In these events, the foreigner must depart from Mexico within the period granted by the Institute and may reenter immediately after having met the requirements established in this Law.

## **TITLE SEVEN** REGARDING SANCTIONS

### **CHAPTER I** GENERAL PROVISIONS REGARDING SANCTIONS

**Article 138.** The Institute will impose the sanctions indicated in this Law within the limits established for each violation and based on the severity of the violation and the degree to which the offender is responsible, taking the following into consideration:

- I. The offender's socioeconomic circumstances;
- II. External conditions, the offender's background, and means of execution;
- III. Recidivism regarding the non-performance of obligations;
- IV. The amount of the benefit, profit, damage, or loss of profit derived from non-performance of obligations; and

V. The offender's hierarchical level and seniority in service, when in regard to authorities that differ from the Institute.

**Article 139.** The revenue that the State effectively obtains from fines for violating this Law will be allocated to the Institute in order to improve its migratory services.

## **CHAPTER II** REGARDING THE CAUSES FOR SANCTIONING THE INSTITUTE'S PUBLIC SERVANTS

**Article 140.** The Institute's public servants will be sanctioned for the following behavior:

- I. If they reveal any confidential or private information without authorization;
- II. If the normal procedure for migratory matters is intentionally or negligently delayed;
- III. If they, on their own or through third parties, intervene in any manner in the handling of the matters indicated in this Law or its Regulations, or they sponsor or give advice to interested parties or their representatives on how to avoid provisions or migratory procedures;
- IV. If they willfully make inappropriate use of migratory documentation or provide it to third parties;
- V. If they provide foreigners who are subject to migratory control with the means to avoid complying with this Law and its Regulations;
- VI. For violating migrants' human rights, with evidence of this provided to the competent authority; and
- VII. For the other reasons indicated in other applicable legal provisions.

The actualization of the behavior provided for in sections IV and VI of this article will be considered a serious violation and will be sanctioned with dismissal, notwithstanding other applicable legal provisions.

**Article 141.** Sanctions on the Institute's public servants will be applied in the terms of the Federal Civil Servants' Obligations and Administrative Liability Act (*Ley Federal de Responsabilidades Administrativas de los Servidores Públicos*).

**Article 142.** A fine ranging from 100 to 1,000 days of the general minimum wage in effect in the Federal District will be levied on the public servants who, without the Institute's permission, authorize or order the departure of transportation that leaves Mexico.

### **CHAPTER III**

#### **REGARDING SANCTIONS ON INDIVIDUALS AND LEGAL ENTITIES**

**Article 143.** The application of sanctions on individuals and legal entities will be governed by the provisions of this chapter and in a suppletory manner by the Federal Rules of Administrative Procedure Act. Migrants' human rights will be fully respected throughout proceedings.

The deportation of foreigners and the measures ruled by the Department in accordance with this Law are of public interest for all ensuing legal purposes.

Deportation is the measure ruled by the Institute through which a foreigner is ordered to depart from Mexico and a period is determined for which he or she may not reenter Mexico when the foreigner falls into the categories established in Article 144 of this Law.

**Article 144.** A foreigner who is detained for the following will be deported from Mexico:

I. For entering Mexico without the required documentation or by means of a place that is not authorized for international human transit;

II. If, once deported, a foreigner reenters Mexico without having obtained readmission consent, even when he or she has obtained a migratory status;

III. If a foreigner claims to be Mexican before the Institute without being Mexican;

IV. If a foreigner is subject to a criminal proceeding or sentenced for serious crimes pursuant to national criminal laws or the provisions of the international treaties and conventions to which Mexico is a party, or if he or she could compromise national security or public safety as a result of his or her background in Mexico or abroad;

V. If a foreigner provides to the Institute false information or exhibits fake, altered, or legitimate official documents that have been illegally obtained; and

VI. If a foreigner has not complied with an order issued by the Institute to depart from Mexico.

In all of these cases, the Institute will determine the period during which the deported foreigner must not reenter Mexico in accordance with the Regulations. During such period, he or she may only be readmitted upon the Department's express agreement.

Deportation will be permanent when a foreigner could compromise national sovereignty, national security or public safety as a result of his or her background in Mexico or abroad.

**Article 145.** Foreigners who request the regularization of their migratory status in the terms of Article 133, sections I and II of this Law will be levied a fine ranging from 20 to 40 days of the general minimum wage in effect in the Federal District.

Foreigners who fall into the categories in Article 133, sections III, IV, and V of this Law will not accrue any fines.

**Article 146.** Foreigners who are authorized the regularization of their migratory status in the terms of Article 134 of this Law will be levied a fine ranging from 20 to 100 days of the general minimum wage in effect in the Federal District.

**Article 147.** Except with regard to a competent authority, he or she who, without the owner's authorization, retains documents that provide evidence of the identity or migratory status of the foreigner in Mexico will be levied a fine ranging from 1,000 to 10,000 days of the general minimum wage in effect in the Federal District.

**Article 148.** A public servant who, without justified cause or cause for force majeure, refuses to provide services to migrants or refuses [to allow them to] exercise the rights established in this Law, as well as public servants who request requirements that are additional to those provided for in applicable legal and reglamentary provisions, will accrue a fine ranging from 20 to 1,000 days of the general minimum wage in effect in the Federal District, independent of the administrative liabilities they incur.

This fine will be applied in the terms of the Federal Civil Servants' Obligations and Administrative Liability Act, or the corresponding law, according to the character of the liable public servant.

**Article 149.** Any private party that receives a foreigner in custody and allows him or her to be removed from the Institute's control will be levied a fine ranging from 500 to 2,000 days of the general minimum wage in effect in the Federal District, independent of the private party's liability when this is established as a crime and regardless of whether the guarantee established in Article 102 of this Law enters into effect.

**Article 150.** A fine ranging from 100 to 500 days of the general minimum wage in effect in the Federal District will be levied upon a Mexican who marries a foreigner with the sole purpose of the foreigner being able to take up residence in Mexico, taking on the benefits this Law establishes for such cases.

The same fine will be levied on a foreigner who marries a Mexican in the terms of the foregoing paragraph.

**Article 151.** A fine ranging from 1,000 to 10,000 days of the general minimum wage in effect in the Federal District will be levied on maritime transportation companies when they permit passengers or crews to offload onto [Mexican] land before the Institute has granted the corresponding permission.

**Article 152.** The disembarkation of individuals from transportation arriving from abroad that is carried out at places that differ from those allocated to international human transit will be penalized with a fine ranging from 1,000 to 10,000 days of the general minimum wage in effect in the Federal District. This fine will be levied on individuals and legal entities with commercial activities dedicated to international human transportation, notwithstanding the sanctions established in other laws.

**Article 153.** Companies dedicated to international land, sea, and air transportation and that transport foreigners to Mexico without current migratory documentation will be levied a fine ranging from 1,000 to 10,000 days of the general minimum wage in effect in the Federal District, notwithstanding whether the corresponding foreigner is denied entry and the company returns him or her, to its expense, to his or her place of origin.

**Article 154.** Owner companies, representatives, their consignees, and the captains or individuals in command of maritime transportation who disobey an order to transport foreign passengers who have been denied entry to or deported by the competent authority from Mexico will be jointly and severally liable and levied a fine ranging from 1,000 to 10,000 days of the general minimum wage in effect in the Federal District.

The same fine will be levied on air transportation owner companies. In both cases, a fact-finding report will be filed in which the specific details of the case are recorded.

**Article 155.** A fine ranging from 1,000 to 10,000 days of the general minimum wage in effect in the Federal District will be levied on the owner company, its representatives, or its consignees when an embarkation departs in outbound foreign traffic before the Institute conducts a departure inspection and before having received trip authorization from them [sic].

**Article 156.** An individual who visits foreign maritime transportation without permission from the migratory authorities will be penalized with a fine ranging from 10 to 100 days of the general minimum wage in effect in the Federal District or arrest for 36 hours.

The same penalty will be imposed on the individual who authorizes the aforementioned visit without the authority to do so.

**Article 157.** A fine ranging from 1,000 to 10,000 days of the general minimum wage in effect in the Federal District will be levied on the international air or maritime transportation company that does not comply with the obligation to electronically transmit the information indicated in Article 46 of this Law.

The same fine may be levied if the electronic transmission is untimely, incomplete, or contains inaccurate information.

**Article 158.** A fine ranging from 20 to 100 days of the general minimum wage in effect in the Federal District will be levied on temporary and permanent residents who do not inform the Institute of a change in civil status, address, nationality, or workplace, or if this is done in an untimely manner.

**TITLE EIGHT**  
REGARDING CRIMES IN MIGRATORY MATTERS

**SOLE CHAPTER**  
REGARDING CRIMES

**Article 159.** A term of eight to 16 years in prison and a fine ranging from 5,000 to 15,000 days of the general minimum wage in effect in the Federal District will be imposed upon an individual who:

I. Traffics one or more individuals in order to enter another country without the corresponding documentation and for the purpose of directly or indirectly obtaining a profit;

II. Introduces one or more foreigners into Mexico without the corresponding documentation and for the purpose of directly or indirectly obtaining a profit; or

III. Lodges or transports one or more foreigners in or through Mexico for the purpose of avoiding migratory inspection and in order to directly or indirectly obtain a profit.

In order to actualize the crime provided for in this article, it will be necessary to demonstrate that the offender's intent is to obtain an indisputable, current, or impending economic benefit in cash or in kind.

Penalties will not be imposed upon individuals of renowned moral rectitude who, for strictly humanitarian reasons and without seeking any benefit, assist an individual who has entered the country in an unlawful manner, even when such individuals [of renowned moral rectitude] receive donations or resources for continuing their humanitarian work.

**Article 160.** The penalties indicated in the foregoing article will be doubled when the aforementioned conducts are carried out:

I. With respect to children and adolescents, or when a child or adolescent who is not able to comprehend the significance of the action is induced to, motivated to, assisted in, or obligated to conduct any of the behaviors described in the previous article;

II. Under conditions or using means that place or could place health, integrity, safety, or life at risk or that allow for inhumane or degrading treatment of the individuals affected by such conduct; or

III. When the perpetrator or orchestrator is a public servant.

**Article 161.** A public servant who assists, conceals, or prompts any person to violate the provisions of this Law in order to obtain a direct or indirect profit in cash or in kind will be sentenced to a term of four to eight years in prison and a fine ranging from 500 to 1,000 days of the general minimum wage in effect in the Federal District.

**Article 162.** In regard to the crimes indicated in this Law, the Federal Office of the Public Prosecutor will exercise the criminal action on its own initiative. The Institute is obligated to provide the Federal Office of the Public Prosecutor with all elements necessary for prosecuting these crimes.

### **TRANSITORY ARTICLES**

**ONE.** The Migratory Act will enter into effect on the day after it is published in the Federal Official Gazette, except for the provisions that are subject to the vacancy [sic] provided for in Transitory Article Two.

**TWO.** Article 10; Article 18, sections I, II, III, and VI; Article 21; Title Four, chapters I and II; the last paragraph of Article 74; Articles 101 and 102; Article 117; the last paragraph of Article 112; Articles 126 and 127; and Articles 149, 157, and 158 of the Migratory Act will not enter into effect until the Regulations of the Migratory Act enter into effect.

**THREE.** The federal executive branch must issue the Regulations of the Migratory Act within 180 days as of the date on which this Law enters into effect; meanwhile, the Regulations of the General Population Law will continue to apply insofar as they are not inconsistent therewith.

**FOUR.** The general migratory administrative provisions issued prior to the date on which this Migratory Act enters into effect will continue in effect insofar as they are not inconsistent therewith until the substituting provisions pursuant thereto are issued.

**FIVE.** The disbursements that the agencies and entities of the Federal Public Administration and the Office of the Federal Attorney General must make in order to comply with the actions established in the Migratory Act are subject to the budgetary availability approved by the Chamber of Deputies in the Federal Budgetary Expense Decree (*Decreto de Presupuesto de Egresos de la Federación*).

**SIX.** The following must be taken into consideration in applying the Migratory Act:

I. Foreigners who have obtained nonimmigrant (*no inmigrante*) migratory status with the characteristics of tourists, transmigrants, all types of visitors, except for

foreigners who have obtained nonimmigrant migratory status as local visitors, which is granted to citizens of neighboring countries so that they may visit Mexican border towns, clergymen, distinguished visitors, provisional visitors and correspondents are considered visitors without permission to carry out lucrative activities;

II. Foreigners who have obtained nonimmigrant migratory status as local visitors, which is granted to citizens of neighboring countries so that they may visit Mexican border towns, are considered regional visitors;

III. Foreigners who have obtained nonimmigrant migratory status as students are considered temporary student residents;

IV. Foreigners who have obtained nonimmigrant migratory status under political asylum and as refugees are considered permanent residents;

V. Foreigners who have obtained immigrant migratory status as renters, investors, professionals, in positions of trust, scientists, technicians, family members, artists, and athletes or assimilated (*asimilados*) are considered temporary residents; and

VI. Foreigners who have obtained immigrant (*inmigrado*) migratory status are considered permanent residents.

**SEVEN.** References contained in the Migratory Act to indictment will be understood as being made to the effective term of the order for the commitment of the defendant due to the fact that Article 19 of the Constitution is not applicable to this Decree subject to the vacancy [sic] provided for in Transitory Article Two of the Decree by means of which various provisions of the Political Constitution of the United Mexican States are amended and added, as published in the Federal Official Gazette on June 18, 2008.

**EIGHT.** The Department of the Interior will publish rules in the Federal Official Gazette regarding the point system provided for in the Migratory Act within 180 days counted from the date on which it enters into effect.

**NINE.** Migratory procedures that are in process or pending resolution as of the date on which the Migratory Act enters into effect must be concluded in accordance with the provisions that are in effect at the time in which they commenced.

**TEN.** Criminal proceedings for the crime established in Article 138 of the General Population Law that commenced before the Migratory Act enters into effect will continue to be prosecuted until resolution in accordance with the provisions that are in effect at the time in which the acts that led to them were committed. This applies to the execution of the corresponding penalties.

**ARTICLE TWO.** Articles 77, 81, 83, and 84 are amended; Article 3, sections VII and VIII and Articles 7 through 75, Articles 78 through 80, Article 82, Article 113, sections II, III, and V, Articles 116 through 118, Articles 125 through 141, and Articles 143 through 157 are partially repealed; and a section III is added to Article 76 and Article 80 bis of the General Population Law so that they read as follows:

Article 3. ...

I. through VI. ...

VII. and VIII. (Partially repealed)

IX. through XIV. ...

Articles 7 through 75. (Partially repealed)

Article 76. ...

I. Investigate the causes that provide for the emigration of Mexican citizens and rule upon measures to regulate it;

II. Rule upon measures for protecting Mexican emigrants in collaboration with the Ministry of Foreign Affairs; and

III. In coordination with the competent agencies, encourage the execution of agreements with the governments of other countries so that emigration takes place through legal, secure, and orderly channels and through temporary worker programs or other forms of migration.

Article 77. An emigrant is considered a Mexican or foreigner who is displaced from Mexico with the intent to change residency or country.

Articles 78 through 80. (Partially repealed)

Article 80 bis. The federal government must do the following in coordination with state and municipal governments:

I. Promote the development and encourage the settlement of Mexicans in Mexico;

II. Create programs for addressing the impact of emigration on communities of origin, especially with respect to the issue of family breakup and attending to individuals in vulnerable situations.

Article 81. Mexican emigrants who return to Mexico are considered repatriates.

Article 82. (Partially repealed)

Article 83. The Department is authorized to institutionally coordinate actions for attending to and reintegrating repatriated Mexicans, with special emphasis on their orientation regarding the employment and living options at the place in Mexico in which they state their wish to reside.

Article 84. The Department, in coordination with the Ministry of Foreign Affairs, may execute interinstitutional agreements with other countries and international agencies in matters of the safe, dignified, and orderly repatriation of Mexicans.

In addition, the Department will oversee that the rights of Mexicans are respected and international agreements in the matter are upheld in regard to the receipt of Mexicans returned by foreign governments.

For the purpose of receiving repatriated Mexicans, the Department will promote interinstitutional coordination actions in order to provide them with proper receipt, placing special emphasis on reviewing their state of health, communication with their family members, and assistance during the move to their places of residency in Mexico.

Article 113. ...

I. ...

II. and III. (Partially repealed)

IV. ...

V. (Partially repealed)

Articles 116 through 118. (Partially repealed)

Articles 125 through 141. (Partially repealed)

Articles 143 through 157. (Partially repealed)

**ARTICLE THREE.** Article 156 of the Federal Penal Code is partially repealed to read as follows:

Article 156. (Partially repealed)

**ARTICLE FOUR.** Article 194, section V of the Federal Code of Criminal Procedure is amended to read as follows:

Article 194. ...

I. through IV. ...

V. of the Migratory Act, the crime of trafficking undocumented migrants established in Article 159.

VI. through XVIII. ...

...

**ARTICLE FIVE.** Article 2, section III of the Federal Law against Organized Crime is amended to read as follows:

Article 2. ...

I. and II. ...

III. Trafficking undocumented migrants, established in Article 159 of the Migratory Act;

IV. through VII. ...

**ARTICLE SIX.** Article 51, section IV of the Federal Law-Enforcement Act is amended to read as follows:

Article 51. ...

I. ...

a) through n)...

II. and III. ...

IV. of the Migratory Act, the crime of trafficking undocumented migrants established in Article 159; and

V. ...

**ARTICLE SEVEN.** Article 13 of the Religious Associations and Public Worship Act (*Ley de Asociaciones Religiosas y Culto Público*) is amended to read as follows:

Article 13. Mexicans may exercise the ministry of any faith. Likewise, foreigners may do so, provided they provide evidence of their regular migratory status in Mexico in the terms of the Migratory Act.

**ARTICLE EIGHT.** Articles 3 and 33, section I, subsection d) of the Foreign Investment Act is amended to read as follows:

Article 3. For the purpose of this Law, foreign investment is considered that which is made in Mexico by foreigners with the lawful status of permanent

resident, except for investment made under the activities contemplated in Titles One and Two of this Law.

Article 33. ...

I. In the events indicated in sections I and II:

a) through c). ...

d) Name, corporate name or designation, nationality and lawful status, if applicable, address of the foreign investors abroad or in Mexico, and their ownership interest;

e) and f). ...

II. ...

...

...

**ARTICLE NINE.** Article 43, section IV of the General Tourism Law is amended to read as follows:

Article 43. ...

I. through III. ...

IV. Tax revenue obtained in proportion with collection of governmental fees and charges for the authorization of migratory status to foreigners in the terms established in the Federal Governmental Fees and Charges Act (*Ley Federal de Derechos*); and

V. ...

TRANSITORY ARTICLES OF THE DECREE BY MEANS OF WHICH THE MIGRATORY ACT AND DIVERSE PROVISIONS OF THE GENERAL POPULATION LAW, FEDERAL PENAL CODE, FEDERAL CODE OF CRIMINAL PROCEDURE, FEDERAL LAW AGAINST ORGANIZED CRIME, FEDERAL LAW-ENFORCEMENT ACT, RELIGIOUS ASSOCIATIONS AND PUBLIC WORSHIP ACT, FOREIGN INVESTMENT ACT, AND GENERAL TOURISM LAW ARE REFORMED, PARTIALLY REPEALED, AND EXPANDED.

ONE. This Decree will enter into effect on the day after it is published in the Federal Official Gazette.

TWO. The reforms of the General Population Law will enter into effect on the day after they are published in the Federal Official Gazette, except for the partial

repeals of Article 3, sections VII and VIII and Articles 7 through 75, which will not enter into effect until the Regulations of the Migratory Act do so.

The reforms of the Religious Associations and Public Worship Act, Foreign Investment Act, and General Tourism Law will not enter into effect until the Regulations of the Migratory Act do so.

THREE. References in other laws and legal provisions made to the General Population Law in regard to migratory issues will be understood as being made in reference to the Migratory Act.

FOUR. Rulings issued by the migratory authority throughout the term of the provisions of the General Population Law that are partially repealed will have full legal effect.

Mexico City, Federal District on April 29, 2011. Senator **Manlio Fabio Beltrones Rivera**, chairman. Deputy **Jorge Carlos Ramírez Marín**, chairman. Senator **Renán Cleominio Zoreda Novelo**, secretary. Deputy **María Dolores Del Río Sánchez**, secretary. Initials.”

In compliance with Article 89, section I of the Political Constitution of the United Mexican States, and for its due publication and observance, I issue this Decree at the Seat of the Federal Executive Branch in Mexico City, Federal District on May 24, 2011. **Felipe de Jesús Calderón Hinojosa**. Initials. Secretary of the Interior **José Francisco Blake Mora**. Initials.