

Mexican Law

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If you are a foreign national who intends to visit Mexico or making Mexico your transitory or permanent place of residence due to an investment, business transfer or for any other reason, the following are general guidelines regarding this country's current immigration laws:

Since 1974 the statute that has been the main source of immigration law has been the "*Ley General de Población*" (General Law on Population). On May 25, 2011 in addition to the General Law on Population a new "*Ley de Inmigración*" (Law on Immigration) was published, however, at the time of preparing this document the regulations pertaining to such law are still pending and many of the articles of the law will not enter into effect until those Regulations are published. Therefore it should be understood that some of the following information may change in the near future and you should check Katz Law Office Ltd's web site for updates.

There also are some aspects of immigration law contained in other statutes (the Foreign Investments Law, for example), which will be discussed in other sections of this website, such as the limitations for aliens in regards to the direct ownership of real state within certain restricted zones of the Mexican territory, which are discussed in the Mexican Real State section of this website or certain regulations related to Mexican corporations with foreign shareholders, which will be discussed in the Business Law section.

First of all, it should be said that in accordance to article 33 of the Mexican Constitution, all aliens in Mexico (regardless of their immigration status) enjoy most of the basic constitutional rights recognized to Mexican nationals, with some specific limitations:

- Aliens' freedom of speech and freedom of association are restricted in regards to the internal political life of the country.
- Aliens are not allowed to directly own real state within a restricted zone located next to the international borders and coastlines.
- The Mexican President is invested with the power to declare any alien an unwelcomed foreigner and to decree his immediate deportation without any due process (this presidential power has been very rarely exercised through out history and usually this has been only to expedite the delivery of criminals to the justice of other countries).

Further more, the new Law on Immigration states that all Mexican authorities must always respect immigrants' human rights regardless of their legal status in the country and that special care, in this regard, should be applied in relation to minors, women, senior persons, indians, and all especially vulnerable groups. The new law states that an irregular migratory status can never be considered a criminal conduct and prohibits any prejudice or bias motivated on the immigration status of a person on part of any judicial or non judicial authorities. Article 2 of the new law goes as far as expressly ordering Mexican authorities to apply inside Mexico policies and actions that must be congruent to the policies that Mexico demands or requests from foreign governments when dealing with Mexican nationals abroad.

The new law recognizes as human rights of any alien, regardless of their legal immigration status: the right to education, to right to receive medical services and to the right to file complaints and lawsuits.

Mexican immigration laws are normally enforced by the National Immigration Institute (*Instituto Nacional de Migración*

) which is part of Secretary of the Interior Ministry (

Secretaría de Gobernación

) and may be considered the Mexican counterpart to the USCIS Agency in the United States.

Some functions are assigned to the Ministry of Foreign Affairs, in the same way as in the United States some immigration law functions are assigned to the State Department.

Traditionally, in Mexican legal language there has been a distinction between "visas" and "immigration status" or the document of proof of immigration status. Visas are issued as result of a pre-qualification process done in the Mexican consulates and embassies throughout the world, as a sort of permit to enter the Country; the need for a visa depends upon which country the foreigner is a national of (for example, American and Canadian citizens do not require a visa to enter into Mexican territory). On the other hand the immigration status (*calidad migratoria*) is granted upon the entry of the Alien into the country. Nevertheless, in order to make easier the understating of this document for USA citizens, we sometimes may refer to the different documents that work as proof the immigration status recognized by Mexican Law, as "visas".