

Mexican Law

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According to article 41 of the Mexican General Law on Population, foreign nationals may enter Mexico either as "non-immigrants" or as "immigrants".

Non-Immigrants

"Non-immigrants" are those aliens that enter legally into Mexico without the intent to become permanent residents. The length of their stay in the country (which can be of a few hours in some cases and, in others, of several years) varies in accordance to the immigration status they are granted. Among the different categories of non-Immigrants status, we have: tourists, transmigrates, visitors, religious ministers, political asylum, refugees, distinguished visitors, local visitors and correspondent for a news organization.

The following are some general guidelines in regards to the categories within the non-immigrant status which we believe would be of more interest to our readers:

- **Tourist:** A person that enters Mexico to enjoy the amenities that the country has to offer. The length of his/her stay can be of up to 6 months. A tourist is forbidden to have a job and to perform any activity of a lucrative nature. The document issued as proof of the tourist status is the FMM form (the FMM or "multipurpose" migratory form was introduced on 2010. In the past the proof of status document issued to tourists was identified as FMT. The FMM form can be obtained from your airline or at the port of entry).

As explained above, Americans, Canadians and citizens from some other countries do not require a visa (a "visa" understood in this case as a permit to enter Mexican territory obtained in advance in the tourist's country of origin from the Mexican Consulate). If you are a citizen from a different country you should inquire at the Mexican Consulate if you need a visa or not.

- **Political Asylum** ("*asilo político*"): This status is granted to those individuals fleeing their country and who are seeking protection and/or liberty which are in danger due to political persecution).

- **Refugee** ("*Refugiado*"): This status is granted to those individuals fleeing their country and who are seeking protection and/or liberty which are in danger due violence, foreign aggression, internal conflicts or violation of human rights in the applicants' country.

- **Student** ("*Estudiante*"). Status granted to those individuals who wish to attend school in Mexico.

- **Visitor** ("*Visitante*"). This is a multipurpose non-immigrant status. It can be used as a business or working status, or as a permit for a retired persons to live in Mexico taking advantage of the buying power of his/her pension in dollars.

For stays of six months or less, a FMM form (which may be considered in this sense a sort of "short term non-immigrant visa") may be used. The FMM has a 'Business Visitor' section, specifically for persons who come to Mexico for short business visits not exceeding 180 days.

If you are planning to stay in Mexico for longer than 6 months (or to have a document that would allow multiple entries to the country) and you plan to work or conduct business in Mexico, you should obtain a FM-3 "visa". The FM-3 visa is the document you must obtain to be allowed to do any activity different from leisure (which would require only of a tourist visa) o studying.

There are various categories under which FM3 visas are granted depending on the activities you intend to undertake while in Mexico. Under the terms of the FM3, you are authorized to only undertake certain, specific activities which may be lucrative or non-lucrative, depending on the visa's classification.

One of the requirement for the issuance of a FM3 visa is that the applicant proves that he/she has sufficient funds to sustain his/her self while in Mexico or a legitimate source of income such as his/her wages paid by a corporation. A FM-3 visa lasts for 1 year and can be annually renewed for a total of five years. After this period, a new FM3 may be applied for.

Immigrants

Immigrants are foreign nationals that legally enter Mexico with the intent of becoming permanent residents of the country.

There are different categories of Immigrants such as:

- **Resident retirees:** If you are over 50 years of age and want to engage in "non-remunerative activities" and you are receiving funds from abroad (from a pension or other investments or fixed income) you can apply for a Retiree Immigration Permit.
- **Investor:** For persons who bring their capital to the Country and invest in the creation of new businesses.
- **Professionals:** If you are a qualified professional, you can have your certificates validated by the Mexican Consulate in your home country and apply for an immigration visa to live in Mexico and seek permanent residence.
- **High executive of a corporation** (*cargo de confianza*)
- **Scientist and Technician:** If you are a qualified technician or scientist, Mexico offers a category of visa which enables you to live and work in Mexico under sponsorship from a foreign company
- **Family Members:** if you marry a Mexican national you may be granted and immigrant status automatically.
- **Artists and Sports Professionals**
- **Assimilated Individuals** ("*Asimilados*") This status is given to those that do not fit into any of the preceding categories but are assimilated (fit in) to Mexico and will perform some licit, honest and productive activity in Mexico, or for those that are the spouse of or descendent of a Mexican national.

The "visa" required to have an immigrant (or permanent resident) status is the FM2 migratory form, which would be the equivalent in the United States to a "green card".

Immigrants who reside legally in Mexico for five years can acquire permanent resident status. A permanent resident person (an *inmigrado*) no longer needs to go through the annual renewal process of his FM2 and may stay permanently in Mexico under the status he/she has, and work in almost any activity (some political or public positions can only be occupied by Mexican nationals). When your full residency status has been accepted, you may also begin your application for Mexican Citizenship, although this is optional and you can remain a 'resident alien' on a FM2 visa indefinitely.