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NEW WAY ESTABLISHED BY THE INM¹ TO GRANT ADMITTANCE PERMITS AND TO DOCUMENT ALIENS AT THE MEXICAN CONSULATES ABROAD.

As of the 15th of January 2009, the National Immigration Institute (hereinafter “INM” *Sp.acr.*) established a new procedure to grant to aliens their admittance permits and documents at the various Mexican Embassies or Consulates abroad.

This new admittance procedure was established by an inside Circular issued by the National Immigration Institute indicating to the various INM offices in the Mexican Republic , the new way of documenting aliens, who have requested an admittance permit for Mexico.

This circular is called an inside circular because it has not been officially published and, moreover, no legal effective statute in this matter has been modified so far, for which reason, the powers of the INM and those of the Mexican Foreign Service continue to be legally the same.

Nevertheless, the new admittance procedure includes some new elements, inasmuch it is embodying some additional steps thereto, since the Mexican Embassies or Consulates will have to interview the aliens who expect to enter Mexico, with the purpose of checking that the activity they will perform in Mexico is consistent with the terms requested to, and granted by, the INM, in order to grant the immigration documents to the aliens who have previously requested their admittance into the country, either as Non-Immigrants (FM3) or Immigrants (FM2), according to the activity to be performed in Mexico.

We can therefore establish the following in the new way of granting the admittance permits:

1. The power of granting or denying an admittance permit keeps subjected to the Law of the National Immigration Institute.

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2. The Mexican Embassies or Consulates abroad continue to act as auxiliaries of the INM in the issuance of immigration documents, since they continue to be empowered to grant the immigration documents and to document the aliens according to the orders sent by the National Immigration Institute; now they must, however, interview the aliens, in order to check that the activity to be developed by them in Mexico will be consistent with the terms of the official communication sent by the INM.
3. A different communication will be sent to the Mexican Corporation or to the party who requested the alien's admittance into the country (petitioners), confirming that the alien may go for an interview to the corresponding Consular Representation, in order to receive his/her immigration document, pursuant to the terms requested in the initial application.
4. The INM will keep sending communications to the Bureau of Consular Protection and Matters of the Mexican Foreign Relations Department, in order to have said Department send the respective order to the corresponding Mexican Consulate for the documentation of aliens according to the official communication of command sent by the INM, so that further to the Consul's interview with the alien, that Consul will confirm the immigration status of the alien and his/her activity to be performed in Mexico.

Consequently to this new way of documenting the admittance permits, new elements are being added to the form of issuance of the immigration documents (FM3 or FM2) to the aliens who will perform a specific activity in Mexico, either as employees of a Mexican corporation or as representatives of a foreign corporation.

Therefore, further to submitting the application for admittance permit to the INM, said authority will analyze the submitted documentation and will prepare the respective official communications.

The first official communication will inform the petitioner that the alien may go for an interview to the indicated Mexican Consulate, where he/she will possibly be issued his/her immigration document.

In a second official communication, the INM will inform the corresponding Consulate, through the official channels of the Foreign Relations Department (Consular Liaison Office) of the directions under which said Consulate

should document the alien in question, similar to the official communication which used to be delivered previously.

Upon receiving the official communication from the INM, the Mexican Consulate shall ask some questions to the alien in order to confirm that such alien will come to Mexico to develop or perform the activity authorized in the received official communication. If the information given by the alien is consistent with, and similar to, the data authorized by the INM, the Consul will grant to the alien the immigration document pursuant to the requested immigration status and characteristics, and note the activity to be performed on the immigration document granted to the interested party.

The immigration document will be granted to the interested party within the term established at each consular representation (variable at each Consulate, the approximate term being within the following five business days).

Should the Consul find the data and information given by the alien different from, or inconsistent with, the terms of the official communication sent by the INM and the data stated in the initial application by the petitioners, said Consul shall send a communication to the INM stating the contradictions of the interviewed alien.

Should the Consul lack sufficient elements to grant the immigration documents to the alien under the terms authorized by the INM, the Consul will inform the alien that he may not grant him/her the immigration document, because of detected irregularities.

The Mexican Consulate will then send a communication to the INM stating that some contradictions were found at the interview with the alien concerning the terms of the received official communication. The INM shall again review the matter in order to issue a final resolution authorizing or denying the alien's admittance into Mexico.

Consequently to the above, the INM will resolve by granting any of the following communications:

- Denial by reexamination: if further to this reexamination, the INM would decide to deny admittance to the alien, the INM shall issue a negative resolution, duly grounded in law and fact, in order to notify the petitioner and attorney-in-fact in Mexico.

- Confirm its command to document the alien: if the INM decides to authorize the alien's admittance, it shall issue a final resolution, instructing the consular representation to document the alien, under the terms and conditions sent from the INM.

Consequently to the above elements, we would like to set forth the following aspects:

Mexican Embassies or Consulates continue to cooperate in the issuance of immigration documents; what is being implemented now is their authority to check the authorizations granted by the INM.

The corporations shall give the appropriate information to the future expatriates coming to Mexico, at the time of going to the Mexican Consulate for their interview for the issue of their immigration document, in order to confirm that the information they will give to the Consul will be equivalent to the information which was requested to, and authorized by, the INM.

Should the Consul find contradictions in the information given by the alien at the time of his/her interview to receive his/her immigration document, a longer procedure would then take place to obtain the immigration document admitting him/her to enter into the country, due to the inside communications which would be exchanged between the different Mexican Consulates and the INM, inasmuch as those consulates will have to wait for the final decision on the admittance permit requested to the INM.

We are therefore, sending this information to our clients to enable them to take the required safeguards with respect to the new way of documenting the aliens who will come to Mexico by means of an admittance permit.

Please let us know any doubt, comment or need of any additional information concerning this new immigration admittance procedure.

Yours sincerely,

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