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Chapter 6

Immigration

Introduction



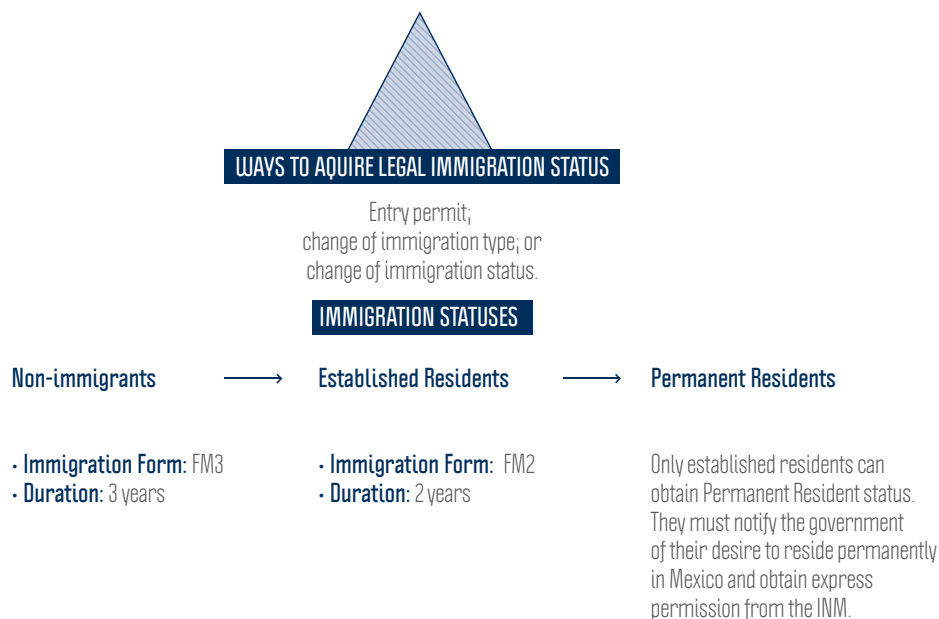
Immigration has become a growing phenomenon in Mexico in recent years. In this context, the legal status of foreigners in Mexico is safeguarded by legal mechanisms enacted by the Ministry of the Interior, through the National Immigration Institute (INM), a body empowered to monitor and regulate the residency of foreigners.

The General Population Law (LGP) establishes the rights and obligations of foreigners, and regulates the different immigration statuses that allow foreigners to enter Mexico in order to achieve their objectives, such as conducting business or engaging in income-generating activities. As a result, individual visas granted by the Ministry of the Interior specify the immigration status, and the rights and obligations of the foreigner while in the country.

The government has recently implemented the use of the Manual for Immigration Standards and Visas (the Manual), as a means of standardizing criteria on a national level with the goal of making the procedures for foreigners more efficient.

KEY POINTS

- The LGP establishes three general immigration statuses: non-immigrants, established residents, and permanent residents.
- All foreigners who enter the country receive a multi-use immigration form (FMM). This immigration document replaces the tourist immigration visa (FMT), and offers foreigners greater access to the immigration status that they need.
- The FMM has three objectives: (i) documenting foreigners at their port of entry into the country, and authorizing their legal stay in Mexico for up to 180 days; (ii) documenting foreigners with consular visas which are to be replaced with an FM3 or FM2; and (iii) for statistical purposes.



QUESTIONS AND ANSWERS

1. Are the previously granted FM3s and FM2s issued before the Manual still valid?

FM3 and FM2 immigration documents are still valid for non-immigrants (FM3), and established residents and permanent residents (FM2) until their expiration date in accordance with the provisions of the LGP.

2. When can you change your previously granted FM3 or FM2 for new immigration documents?

The old FM3 and FM2 should be replaced at the normal renewal time by the person named on the immigration document, or in case of loss.

3. Have the criteria for admitting businesspeople into the country changed since the publication of the Manual?

Derived from various international conventions signed by Mexico, the Manual offers the existing criteria for the temporary admission of businesspeople. The objective is to facilitate the movement of foreign individuals who are contributing to economic development. The classification and status for this type of individual is one of a non-immigrant visitor, engaged in lucrative activity, for a maximum period of 180 days.

4. During the process, may a foreigner leave the country?

Foreigners who are in the process of changing their immigration status to one of non-immigrant tourist to non-immigrant visitor, regularization, administrative review, or other status, or those who have had a fine imposed upon them for breach of obligation, cannot apply for an entry and exit permit. These individuals must wait for notification from the Regional Bureau of the National Immigration Institute (DG-INM) that their immigration proceeding has been concluded.

In special cases, it is possible to withdraw from a pending proceeding and obtain permission to exit, terminating the proceeding. In this case, the foreigner would have to initiate a new immigration proceeding once he or she has returned abroad.

CASE STUDY

A U.S. citizen incorporates a Mexican company as the new CFO. His position as CFO will last for at least 5 years, and his salary will be paid by the Mexican company. “Mr. X” will need to travel both within and outside the country, and does not want to have any problems regarding his travel.

What is the best way for him to get his FM3 work visa?

In accordance with new immigration policies in Mexico, it is recommended that “Mr. X” obtain a legal entry permit for foreigners, as a non-immigrant visitor engaged in lucrative activities in Mexico.

The first step is to apply for the appropriate documents both with the Mexican company and as a foreign worker. The documents must demonstrate the foreign individual’s ability to perform these activities (along with their respective formalities).

How long does it take for the FM3 work visa to be issued?

It is necessary to submit an application for a work visa before the DG-INM. After submitting this application, the DG-INM will issue an official notification within 3 or 4 weeks, which will authorize the foreigner to appear at any Mexican Consulate in order to receive his or her visa.

What is the next step in obtaining legal entry documents?

The foreigner worker will need to go to the Mexican Consulate with a passport and a copy of the official DG-INM notification, and pay the relevant government fees in order for the visa to be issued.

As soon as the foreign worker travels to Mexico, he or she will receive an FMM at the port of entry, and the immigration official at the port of entry in Mexico will check the box on that form that clears the foreign worker for the issuance of an FM3.

Once in Mexico, the foreign worker has 30 days to request the issuance of the FM3 at a local immigration office.