

## Legal Status of Foreigners in Mexico

By Vladia Mucenic, LL.M.  
Partner to Kim Quezada®  
Firm member of Kreston International

Every foreigner that wants to enter and reside temporarily or permanently in Mexico, must request from the National Immigration Institute (known in Mexico as the "INAMI"), a visa which contains the authorized activities that the foreigner is allowed to develop in the country, the duration, marital status, address and any other information established in the Mexican law.

According to Mexican law, the foreigners can legally enter into the country under any of the following migrant status:

1. Non Resident;
2. Temporary Resident;
3. Permanent Resident.

The immigration status granted to the foreigner will depend of his purpose at entering our country, and he must fulfill all requirements established by the law in force.

### 1. NON RESIDENT

The status of non resident is granted to foreigners (form FM3) who enter into the country without the intention of residing in Mexico by the INAMI, entity in charge of the regulation and control of foreigners in Mexico.

The status of non resident is subdivided in eleven migrant characteristics:

- **Tourist.** With entertainment and health purposes.
- **Transmigrate.** In transit to another country, allowed to stay in Mexico for thirty days at a maximum.
- **Visitor.** The visitor characteristic could be authorized under any of the following modalities:
  - **Business or Investor.** Allows foreigners to travel in Mexico in order to explore investment alternatives.
  - **Scientist.** To manage, organize or make scientist investigations or to develop an educational work. The foreigner must prove his specialty.
  - **Technician.** To make investigation about production or to do some technique or specialized functions that cannot be made by Mexican personnel. The foreigner must prove his specialty.
  - **Independent.** To live in Mexico out of its foreign income.
  - **Trusted Members.** To assume direction charges, company's management or other positions of trust in entities established in Mexico.
  - **Adviser.** To assist to shareholders' or board meetings.
  - **Religious Minister.** For religious service activities.
  - **Political Asylum.** To protect his life from political persecutions in his country.
  - **Refugee.** To protect his life, security or freedom from generalized violence, foreign attack or any other circumstances that obligated him to escape from his own country.
  - **Student.** To begin, complete or improve studies in schools with official authorization in this country.

- **Distinguished visitors.** In special cases, the INAMI grants courtesy authorizations to enter and reside in country, for up to six months to investigators, scientists or international journalists.
- **Local visitors.** The immigration authorities can authorize foreigners to visit seaports or border cities for up to 3 days.
- **Provisional visitors.** The authority can authorize as an exception the provisional arrival of foreigners to seaports or airports with international services, with documentation partially completed, for up to 30 days.
- **Correspondent.** For journalists and press correspondents.

## 2. TEMPORARY RESIDENT.

The status of temporary resident is granted to foreigners who want to immigrate to Mexico, or to permanently reside in the country (form FM2).

The main difference between the status of non resident and temporary resident, is that the first one is for foreigners that enter the country with the a lucrative or non lucrative purpose, and no intention to permanently reside in the country, while the latter have the purpose to permanently reside in Mexico.

The temporary resident status has a maximum duration of five years and must be renewed every year. After the fourth renewal, the foreigner will be able to request the Mexican Government the status of permanent resident.

The temporary resident may be authorized under any of the following characteristics:

- **Independent.** To live in Mexico out of its foreign income.
- **Investor.** To invest resources in an industry, commerce or service activity according to Mexican regulations.
- **Professional.** To practice an independent profession or occupation.
- **Trusted members.** To assume direction charges, company's management or other positions of trust in entities established in Mexico.
- **Scientist.** To manage, organize or make scientist investigations or to develop an educational work.
- **Technician.** To make research or do some technical or specialized functions that cannot be made by Mexican residents.
- **Relatives.** Dependant economically of an permanent or temporary resident, or of a Mexican relative.
- **Artist and Sportsman.** To develop artistic or sport skills.
- **Assimilate.** To have any other honest and legal activity not classified in any of the previous characteristics.

## 3. PERMANENT RESIDENT.

The permanent resident is the foreigner that acquires this status for having lived in the country during five years as a temporary resident. He can freely enter and leave the country, with the only restriction not to stay abroad during three continuous years under penalty of losing this immigration status. Once obtained such authorization the foreigner can involve in any honest and legal activity.

All foreigners must prove at any time before the immigration authority, the purpose of their stay, show the corresponding documentation, and fulfill all the requirements imposed by Mexican laws and regulations.