

## **Mexico's Immigration Laws**

Mexico has stricter immigration laws than the United States of America.

### **UNDER MEXICO'S IMMIGRATION LAW (GENERAL LAW ON POPULATION):**

- Mexico welcomes only foreigners who will be useful to Mexican society:
  - Foreigners are admitted into Mexico "according to their possibilities of contributing to national progress." (Article 32)
  - Immigration officials must "ensure" that "immigrants will be useful elements for the country and that they have the necessary funds for their sustenance" and for their dependents. (Article 34)
  - Foreigners may be barred from the country if their presence upsets "the equilibrium of the national demographics," when foreigners are deemed detrimental to "economic or national interests," when they do not behave like good citizens in their own country, when they have broken Mexican laws, and when "they are not found to be physically or mentally healthy." (Article 37)
  - The Secretary of Governance may "suspend or prohibit the admission of foreigners when he determines it to be in the national interest." (Article 38)
- Mexican authorities must keep track of every single person in the country:
  - Federal, local and municipal police must cooperate with federal immigration authorities upon request, i.e., to assist in the arrests of illegal immigrants. (Article 73)
  - A National Population Registry keeps track of "every single individual who comprises the population of the country," and verifies each individual's identity. (Articles 85 and 86)
  - A national Catalog of Foreigners tracks foreign tourists and immigrants (Article 87), and assigns each individual with a unique tracking number (Article 91).
- Foreigners with fake papers, or who enter the country under false pretenses, may be imprisoned:
  - Foreigners with fake immigration papers may be fined or imprisoned. (Article 116)
  - Foreigners who sign government documents "with a signature that is false or different from that which he normally uses" are subject to fine and imprisonment. (Article 116)
- Foreigners who fail to obey the rules will be fined, deported, and/or imprisoned as felons:
  - Foreigners who fail to obey a deportation order are to be punished. (Article 117)
  - Foreigners who are deported from Mexico and attempt to re-enter the country without authorization can be imprisoned for up to 10 years. (Article 118)
  - Foreigners who violate the terms of their visa may be sentenced to up to six years in prison (Articles 119, 120 and 121). Foreigners who misrepresent the terms of their visa while in Mexico – such as working with out a permit – can also be imprisoned.
- Under Mexican law, illegal immigration is a felony. The General Law on Population says,
  - "A penalty of up to two years in prison and a fine of three hundred to five thousand pesos will be imposed on the foreigner who enters the country illegally." (Article 123)
  - Foreigners with legal immigration problems may be deported from Mexico instead of being imprisoned. (Article 125)
  - Foreigners who "attempt against national sovereignty or security" will be deported. (Article 126)
- Mexicans who help illegal aliens enter the country are themselves considered criminals under the law:
  - A Mexican who marries a foreigner with the sole objective of helping the foreigner live in the country is subject to up to five years in prison. (Article 127)
  - Shipping and airline companies that bring undocumented foreigners into Mexico will be fined. (Article 132)

## UNDER MEXICO'S CONSTITUTION

- The Mexican constitution expressly forbids non-citizens to participate in the country's political life. Non-citizens are forbidden to participate in demonstrations or express opinions in public about domestic politics. Article 9 states, "only citizens of the Republic may do so to take part in the political affairs of the country." Article 33 is unambiguous: "Foreigners may not in any way participate in the political affairs of the country."

- The Mexican constitution denies fundamental property rights to foreigners.

If foreigners wish to have certain property rights, they must renounce the protection of their own governments or risk confiscation. Foreigners are forbidden to own land in Mexico within 100 kilometers of land borders or within 50 kilometers of the coast.

Article 27 states, "Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership of lands, waters, and their appurtenances, or to obtain concessions for the exploitation of mines or of waters. The State may grant the same right to foreigners, provided they agree before the Ministry of Foreign Relations to consider themselves as nationals in respect to such property, and bind themselves not to invoke the protection of their governments in matters relating thereto; under penalty, in case of noncompliance with this agreement, of forfeiture of the property acquired to the Nation. Under no circumstances may foreigners acquire direct ownership of lands or waters within a zone of one hundred kilometers along the frontiers and of fifty kilometers along the shores of the country." (Emphasis added)

- The Mexican constitution denies equal employment rights to immigrants, even legal ones, in the public sector.

"Mexicans shall have priority over foreigners under equality of circumstances for all classes of concessions and for all employment, positions, or commissions of the Government in which the status of citizenship is not indispensable. In time of peace no foreigner can serve in the Army nor in the police or public security forces." (Article 32)

- The Mexican constitution guarantees that immigrants will never be treated as real Mexican citizens, even if they are legally naturalized.

Article 32 bans foreigners, immigrants, and even naturalized citizens of Mexico from serving as military officers, Mexican-flagged ship and airline crew, and chiefs of seaports and airports:

"In order to belong to the National Navy or the Air Force, and to discharge any office or commission, it is required to be a Mexican by birth. This same status is indispensable for captains, pilots, masters, engineers, mechanics, and in general, for all personnel of the crew of any vessel or airship protected by the Mexican merchant flag or insignia. It is also necessary to be Mexican by birth to discharge the position of captain of the port and all services of pratique and airport commandant, as well as all functions of customs agent in the Republic."

- An immigrant who becomes a naturalized Mexican citizen can be stripped of his Mexican citizenship if he lives again in the country of his origin for more than five years, under Article 37. Mexican-born citizens risk no such loss.

- Foreign-born, naturalized Mexican citizens may not become federal lawmakers (Article 55), cabinet secretaries (Article 91) or supreme court justices (Article 95).

- The president of Mexico must be a Mexican citizen by birth AND his parents must also be Mexican-born citizens (Article 82), thus giving secondary status to Mexican-born citizens born of immigrants.

- The Mexican constitution singles out "undesirable aliens." Article 11 guarantees federal protection against "undesirable aliens resident in the country."
- The Mexican constitution provides the right of private individuals to make citizen's arrests. Article 16 states, "in cases of flagrante delicto, any person may arrest the offender and his accomplices, turning them over without delay to the nearest authorities." Therefore, the Mexican constitution appears to grant Mexican citizens the right to arrest illegal aliens and hand them over to police for prosecution.
- The Mexican constitution states that foreigners may be expelled for any reason and without due process. According to Article 33, "the Federal Executive shall have the exclusive power to compel any foreigner whose remaining he may deem inexpedient to abandon the national territory immediately and without the necessity of previous legal action."