Dear Ms. Drumond:

We are writing in response to your request of June 2, 2017, for information on common-law marriage in the Mexican state of Tamaulipas in 1994.

Tamaulipas is not a common-law jurisdiction, and therefore, the term “common-law marriage” is not used therein.

However, the Tamaulipas Civil Code (which governs domestic relations in this state and was enacted in 1987) provides for recognition of some legal effects derived from concubinage (concubinato, a term used to refer to certain relationships that are not formalized by marriage), provided that applicable requirements are met.

Specifically, a 1994 edition of the Tamaulipas Civil Code available in our collection provides that the person with whom a deceased individual lived as if they were spouses for at least five years immediately preceding his/her decease, or with whom the deceased individual had children, has the right to inherit from the deceased individual as if she/he were a surviving spouse, provided that both individuals were unmarried during their concubinage relationship. (CÓDIGO CIVIL ESTADO LIBRE Y SOBERANO DE TAMAULIPAS arts. 2693, primero transitorio (Anaya 1994).)

If cohabitation did not last at least five years but exceeded three years, the surviving concubine has the right to inherit support from the deceased concubine, even if they did not have children, provided that the surviving concubine lacks financial means and cannot work, and that both parties to the concubinage were unmarried during their concubinage relationship. (Id. art. 2694.)

This right ends when the surviving concubine gets married or starts a new concubinage relationship. (Id.)

If the deceased concubine had concubinage relationships as described by article 2693 cited above with a number of other individuals at the time of death, none of these has the right to inherit from him/her. (Id. art. 2695.)

Furthermore, the parties to a concubinage relationship have the right to get support from each other, provided that they have lived as if they were married during three consecutive years and were unmarried during their concubinage relationship. (Id. art. 280.) They also have the right to
get support from each other if they have children, even if they have not cohabitated for three consecutive years. (Id.)

Filiation of children born to a concubinage relationship is proved with the birth certificate of the children and evidence of the date that the parents started to cohabitate. (Id. art. 317.)

If there is no birth certificate or such certificate is incomplete or lacks information concerning the names of the parties registered therein, or if such certificate is judicially declared false, filiation may be proved with evidence that a child has been treated as a descendant by the presumptive parents. (Id. arts. 318, 348.)

The 1994 edition of the Tamaulipas Civil Code cited above does not appear to include a provision specifically addressing the issue of whether the validity of common-law marriages that began in the United States may be recognized in Tamaulipas.

If you have further questions concerning this issue, please call me at (202) 707-7104 or email me at ggue@loc.gov. We hope this information is helpful.

Sincerely,

Gustavo Guerra
Senior Foreign Law Specialist

Karen Drumond
Executive Office for Immigration Review
Department of Justice
Karen.Drumond@usdoj.gov

cc: Kimberly.Camp@usdoj.gov