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MEX106140.E

27 June 2018

Mexico: Rights and obligations of permanent residents; conditions under which permanent residence is cancelled (2016-June 2018)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Validity of Permanent Residence in Mexico

Sources indicate that permanent residence in Mexico does not expire (CMDPDH 18 June 2018; Sin Fronteras 4 June 2018). The Regulations under the Law on Migration (Reglamento de la Ley de Migración) provide the following:

[translation]
**Article 157.** The card certifying the status of permanent resident shall be valid indefinitely, except in the case of foreign minors, who must renew the card every year until the age of three. From that age on, the migration document must be renewed every four years until the holder reaches the age of majority.

… (Mexico 2012)

### 1.1 Lost, Stolen or Damaged Permanent Residence Cards

Sources indicate that if the permanent residence card is lost or stolen, its holder must obtain another copy (Sin Fronteras 4 June 2018; CMDPDH 18 June 2018), from the National Migration Institute (Instituto Nacional de Migración, INM) (CMDPDH 18 June 2018).

The Regulations under the Law on Migration indicate the following:

[translation]

**Article 162.** The foreigner may request that the Institute replace the migration document certifying his or her lawful status in the event of theft, loss, partial deterioration or total destruction, as follows:

I. He or she must submit the application for document replacement, passport or identity and travel document valid under international law and proof of payment of fees in compliance with the Federal Law on Rights. If the theft or loss of the migration document took place abroad, the foreigner must produce, in addition to the above, a copy of the visa;

II. He or she must appear in person before the immigration authority if the theft, loss or mutilation of the migration document took place on Mexican territory. This appearance must be recorded in the proceedings.

III. The immigration authority, after verifying compliance with the applicable requirements and the immigration control lists, shall issue the appropriate decision, and

IV. If the decision is positive, the immigration authority shall issue the corresponding document. Otherwise, a duly founded and warranted decision must be issued, granting a period not more than thirty and not less than fifteen calendar days for the foreign person to leave Mexican territory. (Mexico 2012)
An information page on the website of the embassy of Mexico in Canada regarding a "visa due to theft, loss or destruction of temporary or permanent resident card" indicates that the previous holder of such a card "must file a Request for Replacement at the closest Mexican Embassy or Consulate. Issuance of this visa will depend on the authorization of the [INM]" (Mexico 4 Dec. 2012). The same source indicates that, once the INM authorizes the issuance of this visa, the holder must make an appointment at the consular office and provide, in person, the following requirements:

- Completed and signed application form;
- original and copy of a valid passport or travel and identity document;
- a photograph;
- original and copy of the report filed with the "competent authority" that indicates that the permanent residence card was lost, stolen, or destroyed;
- original copy of the permanent residence card, if the card was damaged; and
- the required fees, paid in cash (Mexico 4 Dec. 2012).

The same source adds that "[t]he interested party must allow for a period of 10 working days between the date of the visa application and the date of its issuance, if appropriate" (Mexico 4 Dec. 2012). The visa "may be used for a single entry and only during the period of validity that begins on the date of its issuance" (Mexico 4 Dec. 2012). The holder must apply for a replacement of the permanent residence card at the INM within 30 days after entering Mexico (Mexico 4 Dec. 2012).

2. Rights and Obligations

Sources indicate that persons who are permanent residents in Mexico have the same rights as Mexican citizens, with the exception of voting in elections (CMDPDH 18 June 2018; Lawyer 21 June 2018). The Law on Migration (Ley de Migración) provides, among others, the following rights and responsibilities of permanent residents in Mexico:

[translation]

**Article 8.** Migrants shall be able to access educational services provided by the public and private sectors irrespective of their immigration status and in accordance with the relevant legal and regulatory provisions.
Migrants shall have the right to receive any medical care provided by the public and private sectors irrespective of their immigration status and in accordance with the relevant legal and regulatory provisions.

Irrespective of their immigration status, migrants shall have the right to receive, free of charge and without any restriction, any urgent medical care that is necessary to save their life.

In the provision of educational and medical services, no administrative act shall establish restrictions on foreigners greater than those generally established for Mexicans.

... 

**Article 55.** Permanent residents shall have the right to preserve family unity; they therefore may enter together with or subsequently request the entry of the following persons, who shall be able to reside in Mexico under the same lawful status and with the entitlements set forth in the previous article:

I. Father or mother of the permanent resident;

II. Spouse, who shall be granted the lawful status of temporary resident for two years, after which he or she may obtain the lawful status of permanent resident, provided the marriage is still intact;

III. Common-law partner or equivalent figure, who shall be granted the lawful status of temporary resident for two years, after which he or she may obtain the lawful status of permanent resident, provided the common-law marriage is still intact;

IV. Children of the permanent resident, spouse, or common-law partner, provided the children are unmarried children and adolescents or are under their guardianship or custody; and

V. Siblings of the permanent resident, provided they are unmarried children and adolescents or are under his or her legal representation.

For the exercise of the right enshrined in this article by persons granted political asylum or recognized as refugees, the international treaties to which the Mexican State is signatory and other applicable legislation shall be honoured. (Mexico 2011)

Sources indicate that permanent residence card holders may experience problems when accessing services such as opening bank accounts (Sin Fronteras 4 June 2018; Animal Político 4 Mar. 2018) and health care (Animal Político 4 Mar. 2018). In correspondence with the Research Directorate, a representative of Sin Fronteras, a non-profit Mexican civil society organization that promotes and
advocates for the rights of migrants (Sin Fronteras n.d.), indicated that some
government officials are not familiar with immigration documents and indicate to
permanent residence card holders that "some services are provided only for Mexican citizens" (Sin Fronteras 4 June 2018). Animal Político, a Mexican news
source, reports on the case of a Venezuelan national with Mexican permanent
residence who faced problems accessing health care at a clinic as employees were
not familiar with the permanent residence card (Animal Político 4 Mar. 2018). Further
information on the prevalence of barriers for permanent residents accessing services
could not be found among the sources consulted by the Research Directorate within
the time constraints of this Response.

3. Leaving and Entering Mexico and Cancellation of Permanent Residence

Article 54 of the Law on Migration indicates that holders of Mexican
permanent residence have the "right to enter and leave Mexican territory as many times as they wish" (Mexico 2011). The Sin Fronteras representative
indicated that Mexican permanent residents can stay outside Mexico "for years" (Sin Fronteras 4 June 2018). Sources indicate that Mexican law does not
have restrictions on the amount of time that Mexican permanent residents can stay
outside Mexico (CMDPDH 18 June 2018; Lawyer 21 June 2018).

The Law on Migration indicates the following:

[translation]

Article 64. The Institute must cancel temporary or permanent resident status for the following reasons:

I. The foreigner has declared that his or her departure is final;

II. The foreigner is granted another lawful status;

III. The foreigner provides false information or presents forged or else legitimate but fraudulently obtained official documentation to the Institute;

IV. The foreigner loses his or her lawful status for the other reasons established in this Law;

V. The foreigner loses recognition of his or her refugee status or additional protection under the applicable legal provisions; and
VI. The foreigner is subject to criminal prosecution or convicted of a felony under Mexican criminal law or under the provisions of the international treaties and agreements to which the Mexican State is a party, or if his or her history in Mexico or abroad could compromise national security or public safety. (Mexico 2011)

In a telephone interview with the Research Directorate, an immigration lawyer based in Cozumel indicated that a Mexican permanent resident must not enter Mexico under another status, including as [translation] "tourist," as the new status will invalidate the previous one (Lawyer 21 June 2018). Article 61 of the Law on Migration indicates that [translation] "[n]o foreigner may possess more than one status of resident at a time" (Mexico 2011).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH). 18 June 2018. Correspondence from a representative to the Research Directorate.


Mexico. 4 December 2012. Embassy in Ottawa. "Visa Due to Theft, Loss or Destruction of Temporary or Permanent Resident Card." [Accessed 21 June 2018]


Sin Fronteras, IAP. 4 June 2018. Correspondence from a representative to the
Research Directorate.

Sin Fronteras. N.d. "¿Quiénes somos?" [Accessed 21 June 2018]

**Additional Sources Consulted**

**Oral sources:** Mexico – Instituto Nacional de Migración.

**Internet sites, including:** Amnesty International; Factiva; Freedom House; *La Jornada*; Mexico – Comisión Mexicana de Ayuda a Reguφíados, Instituto Nacional de Migración; US – Department of State, Embassy in Mexico City; Washington Office on Latin America.

**Date modified:**

2018-06-25