



RESPONSES TO INFORMATION REQUESTS (RIRs)

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Mexico: The refugee determination procedure; in particular the rights and responsibilities of individuals granted protection by Mexico; the rights and responsibilities of asylum seekers recognized as mandate refugees by the Office of the United Nations High Commissioner for Refugees (UNHCR); whether individuals who are granted protection by Mexico or recognized as mandate refugees by the UNHCR lose their status if they leave Mexico (2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The following information regarding Mexico's refugee determination process was published on the Web site of the International Association of Refugee Law Judges (IARLJ):

Applications for refugee status may be presented to the Mexican Institute of Migration [Instituto Nacional de Migración, INM]. Once an application is received, the principles of *non-refoulement*, confidentiality and non-discrimination are applied.

Applications for refugee status are then sent to COMAR [Comisión Mexicana de Ayuda a los Refugiados (Mexican Commission for Assistance to Refugees)]. Applicants for refugee status are interviewed by COMAR's Protection Officers who are also responsible for conducting the necessary research on country of origin information. At the same time, personal information declared by the applicant and pertinent information regarding the case is sent for a security check.

The analysis and assessment of an application for refugee status includes: the applicant's statements, country of origin information, credibility analysis, an analysis of the applicant's alleged fear of persecution and the alleged motives or threat to an applicant's life, security and freedom, and the report by the security agency.

The applicant's case is then presented to the Working Group of the Eligibility Committee, presided [over] by COMAR's Coordinator, [and including] a representative of the [INM]; a representative of the Unit for the Promotion and Protection of Human Rights; a representative of the Ministry of Foreign Affairs, Human Rights Direction; a representative of the United Nations High Commissioner for Refugees (UNHCR) and a representative of organized civil society, with the right to speak and vote. A representative of the Sub-Secretary of Population, Migration and Religious Affairs also participates in the Working Group but has no vote in the proceedings.

The Working Group of experts meets once a week to assess and analyze each case in detail, according to the national and international legal frameworks in terms of refugee and human rights. The Working Group gives an opinion, either positive or negative, to the Eligibility Committee and generates precedents to use in future analysis.

If the Working Group's opinion is negative, the applicant is given another opportunity to present new evidence in support of his or her case. If the applicant avails himself or herself of this opportunity, then a different Protection Officer in COMAR will conduct another interview and the case is studied and analyzed again by the Working Group. A final opinion is then presented to the Eligibility Committee.

Article 167 of the *Reglamento de la Ley General de Población* [Regulations for the General Population Law] regulates the Eligibility Committee and its authority. The Eligibility Committee meets periodically and reviews and analyzes the cases presented based on the Working Group's opinion. Following international practice, the Eligibility Committee makes a recommendation to the [INM] whether an applicant ought to be recognized as a refugee or whether humanitarian exceptions should be applied for those applicants who do not qualify as refugees. The Eligibility Committee makes its recommendations based on its application of international instruments.

The [INM] is charged with issuing migratory documents to all those who are recognized as refugees.

Rejected applicants have the right to present their requests for revision before the [INM] and they may also present their case before the Judicial Courts in Mexico (11 July 2006).

In 6 November 2006 correspondence with the Research Directorate, an official with the Office of the United Nations High Commissioner for Refugees (UNHCR) who is based in Mexico City stated that, according to Article 166 -VII-c) of the Regulations for the General Population Law (*Reglamentos de la Ley General de Poblacion*),

recognised refugees can only leave the country with the special authorisation of the central office of the INM. Those who leave the country without this permit or who stay abroad beyond the validity of this permit, lose their 'migratory rights', i.e., their refugee status. In practice this means that they are not allowed to return to Mexico.

Moreover, the UNHCR official mentioned that refugees in Mexico are "assigned a place of residence" and are, therefore, limited in their freedom of movement (UNHCR 6 Nov. 2006). Refugees cannot change residential location without the "formal approval of the INM" (*ibid.*).

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 additional sources consulted in researching this Information Request.

References

International Association of Refugee Law Judges (IARLJ). 11 July 2006. "Mexico's Refugee Status Determination System." <http://www.iarlj.nl/cms/index2.php?option=com_content&task=view&id=32&pop=1&page=0&Itemid=41> [Accessed 2 Nov. 2006]

United Nations (UN). 6 November 2006. Office of the UN High Commissioner for Refugees (UNHCR). Correspondence from an official.

Additional Sources Consulted

Internet sites, including: Comision Mexicana de Ayuda a los Refugiados (COMAR), International Organization for Migration (IOM), Migration Information Source, Sin Fronteras, Office of the United Nations High Commissioner for Refugees (UNHCR), U.S. Committee for Refugees and Immigrants (USCRI), United States (US) Department of State.

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