

### **What is Mexico's Immigration Policy?**

Like many industrialized nations, Mexico has a comprehensive legal and statutory Immigration Policy affecting Mexicans and foreign nationals. Mexico's General Law of Population sets out the rights and obligations of foreigners, as well as the different statuses associated with foreign immigration.

### **What are the types of Immigrant Permits?**

- Non Immigrant Permits are for people who intend to visit Mexico for a specific purpose and then depart;
- Immigrant Permits are for people who wish to gain permanent residence in Mexico.

### **Is it advisable to hire a lawyer to apply for a Mexican Visa?**

Yes, you should seek professional advice in regard to Immigration matters in order to avoid losing time and obstacles. Our attorneys will advise you and make the application on your behalf and do all of the paperwork.

### **What are Non-Immigrant Visas?**

There are various classifications of Non-Immigrant visitors to Mexico which are the following:

#### FMT The Short-Term Non-Immigrant Visa

Short term visas are intended for visitors to Mexico on short term (6 months or less) visits; usually tourists and short-term business trips. For trips of longer than 6 months, a non-immigrant or immigrant visa should be considered. FMT visas are issued by airlines and are also available at ports of entry.

#### FM3 The Long-Term Non-Immigrant Visa

The FM3 visa is a renewable (every year) long term visa which gives non-immigrant temporary residency status. This means that it gives a person the right to live in Mexico (under the terms set out in the visa) but it does not lead to, and cannot be converted to, a visa leading to permanent residency.

There are various categories under which FM3 visas are granted, and these relate to the activities you intend to undertake while in Mexico. Under the terms of the FM3, you are authorized to only undertake certain, specific activities which may be lucrative or non-lucrative, depending on the visa's classification.

One of the criteria that the Mexican authorities require for the issuance of an FM3 Visa is that the applicant prove that they have 'sufficient funds to sustain themselves while in Mexico' and/or a proven steady income. There is no official minimum or maximum amount, every application is dealt with on a case-by-case basis. Proof of fund and/or income is usually requested by means of bank account statements, proof of investment income, credit cards, or a combination of these.

Once applied for and granted, the FM3 may be renewed for an additional four years (for a total of 5 years). After this period, a new FM3 may be applied for and, if granted, will serve for another five year period, renewable annually.

The FM3 visa may not be exchanged automatically for a visa leading to permanent residency (FM2); an FM2 visa must be applied for separately. Any years accrued under a FM3 visa are not transferable towards FM2-residency status. You may apply for an FM3 visa while in Mexico and in possession of a short-term FMT (Tourist/Business Visitors Visa), or directly from your home country via a Mexican Consulate.

### **Types of Non-Immigrant Visas (Short and Long Term)**

- [Tourist Permits](#)
- [Traveler in Transit](#)
- [Visitors \(Common for Business and Investors\)](#)
- [Students](#)
- [Artists and Sports people](#)
- [Distinguished Visitors](#)
- [Local Visitors](#)
- [Provisional Visitors](#)
- [Correspondents and Journalists](#)
- [Religious Ministers](#)

#### Tourist Permits (Also used for Temporary Business Visits)

These are the equivalent of the "Landing Card" in the EU or "Visa Waiver" in the U.S. that non-nationals need to fill out and have stamped when they enter to visit.

#### Tourist Permits

The Mexican Tourist permit is known as the "FMT" it is very simple to fill out and available from airlines and ports of entry. This permit allows visitors to remain in Mexico for a maximum period of 180 days. If the officer at the port of entry does not assign 180 days leave of stay at your point of entry, this permit can be extended to the maximum permitted stay if the original term granted (written on the form at the port of entry) was less than 180 days, by visiting one of the local immigration offices in Mexico, completing the paperwork and paying the Government fee.

You can use an FMT permit to enter Mexico for leisure and also if you plan to scout for and/or invest in Mexican real estate. When you are closing a real estate deal, you will need to show evidence to the Notary Public that your stay in Mexico is legal and an FMT is a valid document for this purpose.

#### Temporary Business Visits

The latest version of the FMT also contains a section for business travelers, who are entering Mexico temporarily to conduct business there. If you are traveling on business, complete the second half of the FMT. Business travelers are usually given 30 days entry as standard, although you can ask the immigration officer for more or extend it afterwards to maximum time allowed (180 days).

#### Traveler in Transit

Mexico used to issue 'traveler in transit visas'; however, as of February 17, 2004 foreigners passing through one of Mexico's international airports onto a third country no longer require a visa or any migratory documentation, provided that they remain at the airport and depart Mexico within 24 hours of arrival.

Visitors (Common for Longer Business Visits)

If you plan to visit Mexico on an extended stay for business reasons, then you are likely to be need one of these permits, although the normal FMT entry card now have a business section included for business travelers on temporary visits, so if your stay will only be temporary avoid the paperwork and Government charges involved with this permit and use the FMT instead.

For extended stays in Mexico, you must apply for the Visitors permit (usually an FM3) through your company and state what the purpose of the visit is, and how long it is likely to take. There are also some forms to fill out and a handling fee to pay. Visitor's Permits are issued for up to one year, and are renewable four times, for a maximum of one year each time - for a total maximum period of five years. After the initial five year period, a new FM3 may be applied for (for use over a consecutive five year period) if necessary.

Students

If you want to study in Mexico, a FM3 non-immigrant permit which enables you to live and study in Mexico can be granted by the Consulate. You must be able to prove your ability to be self-sufficient by showing a certain amount of funds in a bank account. The exact amounts change yearly.

Artists and Sports People

These people can apply for an non-immigrant FM3 permit. Each case is considered individually and entry is at the Interior Ministry's discretion.

Distinguished Visitors

VIPs, Heads of State, persons on official visits, royalty, et al can be issued with special visitor permits that last for 6 months.

Local Visitors

Special permits for foreigners visiting sea ports and border towns. The permit allows a maximum stay of 3 days, and you must stay within the 35km 'border zone'.

Provisional Visitors

If you arrive in Mexico without the proper documentation for normal non-immigrant entry (e.g. your passport was lost en-route) you can be issued with a Provisional Visitor Permit that allows you 30 days to get the required documentation together necessary for application of normal entry. A deposit or bond is required to guarantee that you will return to where you came from.

Correspondents / Journalists

If you're involved in journalism or media, you can be issued with a FM3 Correspondent's Visa, that enables you to carry out journalism work. The permit lasts for a year, but can be renewed as many times as required, provided that you are continuing your journalism work.

Religious Ministers

Religious Ministers or Members of Religious Associations can be issued with a FM3 that allows them to undertake religious duties and services, regardless of which religion it is, as well as social services. Persons wanting this permit will need to register and show their Ministry qualifications.

## **What are Immigrant Visas?**

Immigrant Visas are issued to foreign nationals who have the intention of living in Mexico for long periods of time (over one year) and who intend to seek permanent residency in Mexico.

### FM2 The Immigrant Visa

FM2 visas are intended for people seeking permanent residency status in Mexico or those seeking Mexican Citizenship. There are various categories under which FM2 visas are granted, and these relate to the activities you intend to undertake while in Mexico. Under the terms of the FM2, you are authorized to only undertake certain, specific activities which may be lucrative or non-lucrative.

You must hold an FM2 for a full consecutive five-year period before you may apply for "immigrant" status or Mexican Citizenship. You do not need to have held an FM3 visa before applying for an FM2, and any years you may have accrued while living in Mexico under an FM3 visa do not count towards your five-year FM2 qualification period. If your goal is to seek long-term residency in Mexico, or to become a Mexican Citizen, you should apply for an FM2 status (or request a change of status from FM3 to FM2) so that your time starts counting towards the qualification period as soon as possible. You may apply for an FM2 visa while in Mexico and in possession of an FMT (Tourist/Business Visitors Visa) or an FM3.

Following the five-year qualification period, you may apply for full resident status. When this has been accepted you are entitled to full rights and responsibilities as any other Mexican Citizen, with the exception of the right to vote; you may also, at this stage, begin your application for Mexican Citizenship.

Upon receiving immigrant status, you will receive a document that looks like a Mexican Passport (which is also called an "FM2") some newer versions look like a driver's license which enables you pass through Mexico's borders as if you were a Mexican National. You do not, need to surrender your national passport, which you'll use when you return to your home country: either for visits, or when returning home. If you stay outside of Mexico for longer than 2 years, or for 5 years in any 10 year period, you will lose your permanent resident status in Mexico.

## **Who may apply for FM2 visas?**

### Investors

You can receive an immigration permit if you are willing to invest your capital in Mexico. Your investment can be directed at industry or services, and must equal a minimum of 26,000 times the minimum daily wage in Mexico City.

### Professionals

If you are a qualified professional, you can have your certificates Apostilled (validated) and apply for an immigration visa to live in Mexico and seek permanent residence there. You must be sponsored by a company who must satisfy the ruling agencies that you are essential to their operative requirements.

### Technical or Scientific Professions

If you are a qualified technician or scientist, Mexico offers a category of visa which enables you to live and work in Mexico under sponsorship from a foreign company. For example, if the company wants to open an office or factory in Mexico, a person or persons representing that company may enter Mexico to manage the commercial operations on a long term basis.

### Retirees

If you are over 50 years of age, and want to engage in "non-remunerative activities" and you are receiving funds from abroad (from a pension or other investments or fixed income) at least to the value of 400 times the daily minimum daily wage per month and a further 200 times daily minimum wage per month for each dependent (e.g. spouse, children) then you can apply for a Retiree Immigration Permit.

### Artists and Sports People

Artists or sports people who seek long term permanent residency in Mexico may apply for an FM2 visa. Each case is considered individually and entry is at the Interior Ministry's discretion.

### **May I be granted Mexican Citizenship?**

Acquiring Mexican Citizenship is a complex and long process. As a minimum, you must have been living in Mexico for 5 years with an FM2 visa (2 years under special circumstances) and have applied for and been granted permanent resident status. For matters concerning the acquisition of Mexican Citizenship, you must seek our professional advice.

### **Do I have to surrender to Mexican Citizenship?**

You do not have to surrender your natural citizenship to be granted full resident status in Mexico, nor to become a naturalized Mexican. Full resident status or naturalization entitles you to all rights and benefits of a Mexican National (live, work, claim state benefits and to pay taxes) but you cannot vote in Mexican elections.

### **What do I need to do if I want to acquire permanent residency and want to work in Mexico?**

You will need to satisfy the requirements for entry (e.g. professional, sponsored by a company) or be able and prepared to invest at least 26,000 times the minimum daily wage in Mexico City and apply for an FM2 visa.

### **What do I have to do if I want to acquire permanent residency but do not want to work in Mexico?**

If you are of retirement age (50+), and have at least US\$1,000.00 or equivalent income per month (plus an additional US\$500.00 per month for each dependant, e.g. spouse), then a Retiree FM2 visa will be the most straightforward route. There is no 'official' minimum income, by law, that you need to prove; however the sums mentioned above are a rule-of-thumb and commensurate with the levels of income most retirees are being asked to prove.

If you are not of a retirement age (below 50) and want to live but not work in Mexico, you will need to prove a steady income and may be granted an FM2 visa to live in Mexico and seek permanent residency. You will need to state what you intend to do there, e.g. early retirement due to health, etc.