



## *Residente Permanente, Residente Temporal, Visitante*

# **The New Immigration Law Will Soon Be In Effect**

### **Mexico's Visa History**

There have been three phases in Mexico's issuance of immigration visas.

**The F Series** of visas were issued until May 2010, consisting of the FM-2 for "permanent" residents and the FM3 for "temporary" residents, evidenced by a gray or green booklet that was issued each year. Tourists received a short term visa when they traveled to Mexico.

**The I Series** of visas have been issued since June 2010, consisting of the *Inmigrante* and *No -Inmigrante* (for "permanent" and "temporary" residents, respectively, and replacing the FM2 and FM3 visas). There is also a special status known as *Inmigrado* which has all the rights of a permanent resident. These I Series visas are evidenced by plastic identity cards and had to be renewed annually (except the *Inmigrado* visa). These visas are in force now and will remain valid until the *Extranjero* renews in accordance with the new R Series of visas.

**The R Series** of visas will become effective as soon as certain administrative details are worked out, perhaps as early as next month. The R series consists of three types of visas: ***Residente Permanente*** ("RP"), ***Residente Temporal*** ("RT"), and ***Visitante*** ("V"). The R Series of visas present a mixture of characteristics that will in general favor the *Extranjero* but also contain some drawbacks for foreigners who live in or plan to visit Mexico.

## **The R Series Legislative and Administrative History**

On May 24, 2011, President *Calderón* signed into law the new *Ley de Migración* (Immigration Law). Since then, the law had been in a post-partum governmental nursery, awaiting two key events before being exhibited to the expectant *Extranjeros*: Issuance of the final draft of Rules and Regulations (“*el Reglamento*”) and their Publication in *Diario Oficial de la Federación*, which occurred on September 28, 2012.

They will become effective by November 12<sup>th</sup>, 2012. Meanwhile, a Manual for *Migración* officials to use in interpreting the Law and the Rules and Regulations, is expected to be published in the November-January period. *Extranjeros* renewing prior to November 12 will do so under the Series I visa structure. For those renewing after November 12, their current Immigration Cards will be valid until they need to renew, at which time, they will become eligible to receive one of three Visas: 1) *Residente Permanente* (“RP”) Permanent Resident; 2) *Residente Temporal* (“RT”) Temporary Resident or 3) *Visitante* (“V”) Visitor.

## **Analysis of the R Series Visas**

***Residente Permanente*** (“RP”) is the equivalent to the current *Inmigrado* status and will be a welcome status to long term residents, as it will have three very important qualities: 1) an indefinite time period, 2) will not need to be renewed, and 3) will include the right to work!!!

You will receive the status of ***Residente Permanente*** (“RP”) if: **A)** you have the current “*Inmigrado*” status; **B)** if you are a refugee or have political asylum with a *No-Inmigrante* status; **C)** if you are pensioned or retired and you receive an income that allows you to live in Mexico (an amount yet to be defined); **D)** if your child, spouse or parents are Mexican; **E)** after two years as *Residente Temporal* under a Point System (yet to be defined); or **F)** if you have 4 years as *Residente Temporal* (taking into consideration previous renewals under the Series I visa structure).

***Residente Temporal*** (“RT”) status will enable holders to leave and reenter Mexico as often as they wish, a boon for frequent travelers to their home country. Another benefit: it may be possible for “RT” holders to obtain a work permit if they act as an independent entrepreneur or if they have received an offer to work from a Mexican business. An “RT” visa may be renewed for up to 4 years, another benefit for the *Extranjero*.

You will receive the status of **Residente Temporal** (“RT”) if you have an *Inmigrante* card or are a Student (and need to stay more than 180 days in Mexico). Note that if you have an *Inmigrante* card and are retired with sufficient income (an amount yet to be defined), you may be able to get the “RP” status.

If you have a *No-Inmigrante* card, you may receive an “RP” visa (if you meet one of those requirements listed above) or a *Visitante* status. You will not receive the RT status unless you are a student. For this reason, persons with *No-Inmigrante* status are seeking an upgrade to the *Inmigrante* visa. We understand however, that holders of the *No-Inmigrante* visas that are retired (*visitantes rentistas*) or have a work permit may receive an RT under interpretations now being considered at the Immigration Office.

**Visitante (“V”)** status will enable visitors to stay in Mexico up to 180 days and provides for the chance to obtain a permit for work; however a *Visitante* will not be able to extend the time or apply in Mexico as *Residente Temporal* unless they have a relative with Mexican Citizenship or married or a “partner” of an *Extranjero* with an RT or RP visa.

You will receive the status of **Visitante (“V”)** if you have a Multiple Migratory Form (FMM) as a Tourist, *Transmigrante*, or if you have a *No-Inmigrante* Card, subject to the exceptions mentioned above, such as the retired person with sufficient income (yet to be defined) or have a permit to work, who may receive the “RT” status.

The rules of the Immigration Law and its Regulations are subject to further interpretations under the Internal Manual now being prepared and other Internal Regulations. We will publish a second article that will provide more specific details for each of the situations in which *Extranjeros* find themselves under the new immigration structure.

The web version of the Immigration Law is available at: [www.diputados.gob.mx/LeyesBiblio/pdf/LMigra.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LMigra.pdf) and the Rules and Regulations at [http://www.diputados.gob.mx/LeyesBiblio/regley/Reg\\_LMigra.pdf](http://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LMigra.pdf).

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