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Business Immigration Law in the Global Economy – Mexico –

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Overview

1. NAFTA and Immigration
2. Mexican Visas
3. Immigration Procedures
4. Practical Tips for Traveling to Mexico

1. NAFTA and Immigration

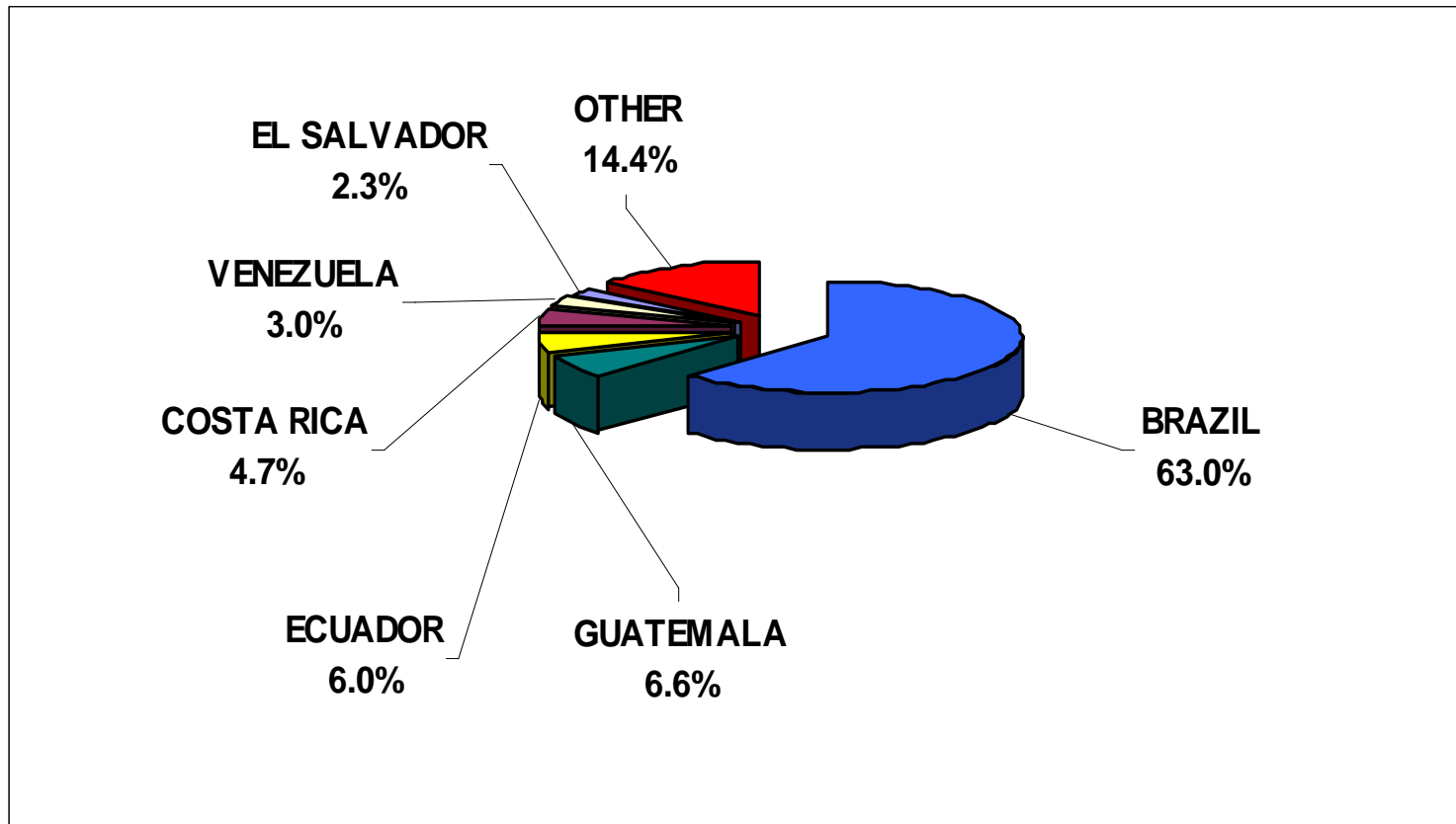
NAFTA and Immigration, *continued*

- Chapter 16—Temporary entry for business persons
 - Mexico created form FMN which could be obtained at the airport (up to 30 days)
 - Mexico also uses FM3 visa to cover these activities (up to 5 years)

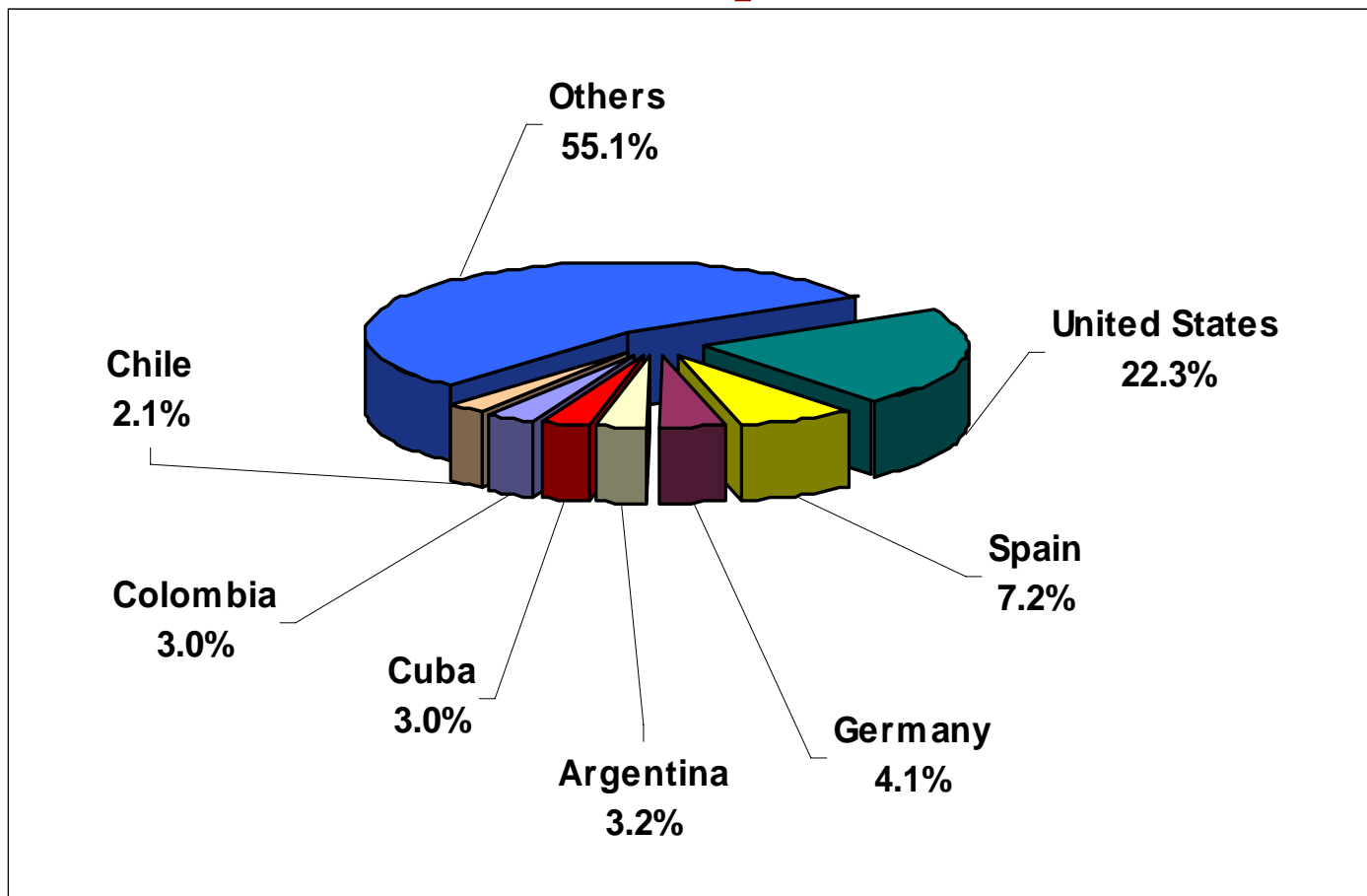
NAFTA and Immigration, *continued*

- Activities Covered by NAFTA
 - Temporary entry for business persons
 - Traders and investors
 - Intercompany transferees
 - Professionals

Denials of Entry into Mexico by Nationality Jan – Jul 2005



Permanent Residents in Mexico by Nationality Jan – July 2005



2. Mexican Visas

Mexican Visas, *continued*

- Basic Visas

- FMT – Tourist Visa – 180 days
- FMN – NAFTA Business Visa – 30 days
- FM3 – Non-Immigrant Visa – up to 5 years
- FM2 – Immigrant Visa – up to 5 years
- Inmigrado – Permanent Residence
 - Difference between FM3 and FM2 is usually the intent to stay in the country, not the activity covered

Mexican Visas, *continued*

- FMT (Tourist Visa)
 - Obtained at the airport/airline/border
 - Valid up to 180 days
 - Tourist activities
- FMN (NAFTA Visa)
 - Obtained at the airport/airline/border
 - Valid for 30 days
 - Business meetings, professionals, etc.
 - At the end of the term, foreigner may apply for an FM3 visa using an expedite process
 - For Americans and Canadians only

Mexican Visas, *continued*

- Non-Immigrant (FM3)
 - Valid for up to 5 years with annual renewals (except FM3 obtained in a “fast track procedure” in Mexican consulates)
 - Multiple entries to Mexico
 - Covers any type of lucrative and non-lucrative activities in Mexico

Mexican Visas, *continued*

- Immigrant (FM2)
 - Valid for up to 5 years with annual renewals
 - Multiple entries to Mexico
 - Covers the following activities:
 - investor
 - professional
 - high-officer positions
 - scientific
 - technician
 - family members
 - artists

Mexican Visas, *continued*

- Inmigrado (Permanent Resident)
- A person who has had an FM2 for 5 years, and has not been outside of Mexico for more than 18 months in a 5-year period

Mexican Visas, *continued*

- Holders of FM3 and FM2 visas require previous authorization from Mexican government to change employer
- Inmigrado (permanent resident) doesn't require further authorizations to change employer

3. Immigration Procedures

Immigration Procedures, *continued*

- FMT (tourist—180 days) and FMN (NAFTA Business—30 days) are obtained at airport/airline/border
- A person with an FMT or FMN may request a change of status to FM3 (non-immigrant) while in Mexico

Immigration Procedures, *continued*

- FM3 (Non-Immigrant)—2 types of procedure
- FM3 obtained in Mexican consulates:
 - Valid for up to 1 year only
 - Expedite process (2-3 days)
 - Americans or foreigners with green card
 - To travel for business meetings, consulting, training, staff supporting, technical or legal advice, quality control. Foreigner must be paid in the U.S. by its U.S. employer.

Immigration Procedures, *continued*

- FM3 obtained in Mexican Immigration Institute:
 - Valid for up to 5 years with annual renewals
 - It covers any activity
 - It may be processed (i) while the foreigner is outside of Mexico (internación), or (ii) as a change of status from FMT or FMN to FM3 while foreigner is in Mexico
 - Change of status from FMN to FM3 is an expedite process (1 month approximately)
 - Change of status from FMT to FM3 usually takes around 2 months approximately. Same time for internación

Immigration Procedures, *continued*

- FM2 (Immigrant visa)
 - It is usually obtained as a change of status from FM3 to FM2
 - It is usually required to have an FM3 for at least 1 year in order to apply for FM2
 - It usually takes around 3 months approximately

Activities that can be performed in Mexico with any type of visa

- Independently of the visa status, a foreigner may perform the following activities in Mexico (as long as foreigner is legal in the country):
 - Purchase securities
 - Make deposits
 - Acquire real estate
 - Acquire shares
 - Acquire assets for entrepreneurial activities

4. Practical Tips for Traveling to Mexico

Practical Tips

- Know the basics about:
 - Visas (activity and length allowed)
 - Customs (what is permitted may be different than US customs)
 - Have the telephone and location of U.S. Embassy/consulates

Practical Tips, *continued*

- What about corruption?
 - Strong federal anti-corruption policy
 - More checks and balances in the government have significantly reduced corruption

Thanks!

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