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## **Business Immigration in Mexico.**

by Miguel de Leon and Mauricio Garza.

The Mexican legal system experienced relevant changes in the last few years, mainly with the purpose of complying with a number of international business standards and maintaining Mexico as one of the top players on the developing countries' contest to attract foreign investment. One of the main improved areas is the immigration policy contained in the Mexican General Population Law (*Ley General de Población*) and its regulations, which provide the legal framework for Mexico's immigration policies.

As of April 30<sup>th</sup>, 2010, Mexico has implemented a new mechanism to register and follow up the immigration process in an easier and safer way. In addition to those changes, the law has been modified to reflect the intention of attracting new investors and capital for a new wave of businesses that are starting-up in the country. Even though the Mexican immigration policy is somehow comprehensive, there is a very specific guideline to follow in order to be allowed to enter the country and participate in any kind of investment, seek employment, or to transfer foreign employees to Mexico.

There are two main types of visas in Mexico for people looking for business. Depending on the period that the applicant wishes to remain in the country, it may be possible to apply for a non-immigrant visa when there is a specific purpose visit for a limited amount of time, or an immigrant visa when pretending to gain long term permanent residence in the country.

### **Non-Immigrant Visas**

The non immigrant visa is provided for those individuals who are planning to live from the funds generated by their foreign resources and wish to look for investment alternatives, to practice scientific, advising, sportive or artistic activities, or to serve as trusted personnel within an organization. Non-immigrant individuals can be classified in different status, such as a business person, worker, or non-permanent retiree.

### **Immigrant Visas**

The immigrant visa is provided for those individuals who are planning to settle in Mexico before obtaining the resident immigrated status. There are different statuses that can be used for immigrant individuals. Listed below is a description of the different options in both the non-immigrant and immigrant status within the country.

## NON IMMIGRANT VISAS

	<b>Requirements</b>
<b>BUSINESS VISITOR</b>	<ul style="list-style-type: none"> <li>- Invitation letter from a chamber of commerce, association, company or financial institution.</li> <li>- Letter from a banking institution evidencing solvency by a monthly amount of approximately US\$2,210 to cover its expenses, at least for one year.</li> <li>- Copy of the incorporation deed of the inviting company, latest tax payment, or the evidence of registration before the Mexican Foreign Investment Register.</li> </ul>
<b>INVESTOR</b>	<ul style="list-style-type: none"> <li>- A letter from the Mexican Foreign Investment Register or other documentation to evidence that the investment will be made for a minimum of approximately US\$114,920.</li> <li>- In case the investment is in real estate, it shall be necessary to show the deed or real estate agreement involving an investment of at least US\$176,800 in real state.</li> <li>- Copy of the incorporation deed of the inviting company, latest tax payment, or the evidence of registration before the Mexican Foreign Investment Register.</li> </ul>
<b>TECHNICIAN OR CIENTIFIC VISITOR</b>	<ul style="list-style-type: none"> <li>- Application from the public or private institution requiring the service, and a description of the project.</li> <li>- Copy of the invitation letter from the public or private institution requiring the service or the service agreement.</li> <li>- Copy of the incorporation deed of the inviting company, latest tax payment, or the evidence of registration before the Mexican Foreign Investment Register</li> </ul>
<b>RETIREE VISITOR</b>	<ul style="list-style-type: none"> <li>- Guarantee a minimum monthly income of approximately US\$1,105.</li> <li>- Guarantee an additional minimum monthly income of approximately US\$552 per extra family member, if applicable.</li> <li>- Bank statement reflecting the applicable guaranteed minimum income (or at least 50% of it if the individual has acquired real state as a home.)</li> </ul>
<b>PROFESSIONAL VISITOR</b>	<ul style="list-style-type: none"> <li>- Copy of the invitation letter from the institution in which such person will work.</li> <li>- Copy of the academic degree and professional license.</li> <li>- In case the professional intends to work as freelance, he or she must state the intended activity and place of business.</li> <li>- Copy of the incorporation deed of the inviting company, latest tax payment, or the evidence of registration before the Mexican Foreign Investment Register.</li> </ul>
<b>TRUST POSITION VISITOR</b>	<ul style="list-style-type: none"> <li>- Copy of the invitation letter from the institution in which such person is planning to provide services, or of the agreement.</li> <li>- Copy of the latest tax payment of the hiring company.</li> <li>- The individual could be required to evidence his or her capabilities for the job.</li> <li>- Copy of the incorporation deed of the inviting company, latest tax payment, or the evidence of registration before the Mexican Foreign Investment Register.</li> </ul>
<b>BOARD MEMBER VISITOR</b>	<ul style="list-style-type: none"> <li>- Evidence of his or her appointment as board member by the company shareholders.</li> </ul>

## IMMIGRANT VISAS

	<b>Requirements</b>
<b>RETIREE</b>	<ul style="list-style-type: none"> <li>- Guarantee a minimum monthly income of approximately US\$1,768.</li> <li>- Guarantee an additional minimum monthly income of approximately US\$884 per extra family member, if applicable.</li> <li>- Bank statement reflecting the applicable guaranteed minimum income (or at least 50% of it if the individual has acquired real state as a home.)</li> </ul>
<b>INVESTOR</b>	<ul style="list-style-type: none"> <li>- Guarantee an investment of at least US\$176,800.</li> <li>- The investment must be formalized within the term of six months after the authorization has been granted.</li> </ul>
<b>PROFESSIONAL</b>	<ul style="list-style-type: none"> <li>- Have registered its academic degree and professional license within the country.</li> <li>- Preference is given to investigators or professors.</li> </ul>
<b>TRUST POSITION</b>	<ul style="list-style-type: none"> <li>- The authorization must be requested by a Mexican company or institution.</li> <li>- Must be as manager or another position of absolute trust.</li> <li>- Copy of the job offer letter from the company or institution, or copy of the services agreement.</li> <li>- Copy of the latest tax payment of the hiring company.</li> <li>- Copy of the incorporation deed of the inviting company, latest tax payment, or the evidence of registration before the Mexican Foreign Investment Register.</li> </ul>
<b>CIENITIFIC</b>	<ul style="list-style-type: none"> <li>- Evidence enough capacity in the scientific activity to be performed.</li> <li>- When the Foreign Affairs Department considers it necessary, the scientist shall prove his capacity by evidencing his or her knowledge to at least three Mexican nationals with proven expertise in the relevant subject.</li> </ul>
<b>TECHNICIAN</b>	<ul style="list-style-type: none"> <li>- Request from the public or private institution requiring the visit of such person.</li> <li>- In case the professional intends to work as a freelance, he or she must submit the request.</li> <li>- Copy of the letter of invitation from the public or private institution requiring the visit of such person, and justifying its need.</li> <li>- Copy of the incorporation deed of the inviting company, latest tax payment, or the evidence of registration before the Mexican Foreign Investment Register.</li> <li>- When the Foreign Affairs Department considers it necessary, the scientist shall prove his capacity on the area, by evidencing his or her knowledge to at least three Mexican nationals with proven expertise in the relevant subject.</li> </ul>

As stated above, Mexican law provides new standards in order to speed up the entry process to foreign individuals coming to do business in Mexico. This new scheme will make the migratory practice be more formal within the country and will assure a better and safer transit of immigrants across the Mexican borders.

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