

MEXICO

As Mexico is a federal state, in order to present a truly complete picture of the country's emigrant policies, it would be necessary to revise the laws and policies of all 31 states of the federation. This report focuses on the federal level and includes information on sub-national entities non-exhaustively and only for further illustration.

Approximately 98% of Mexican emigrants are in the United States, followed by Canada with 0.5% and Spain with 0.4%.¹ Mexicans residing elsewhere tend to be more educated and active in political associations and are less likely to make use of policies of assistance and protection, so most emigrant policies are developed for implementation through the extended consular network of the Mexican state in its North American neighbors.²

The large number and variety of Mexican policies towards emigrants reveals something about the image that the state projects to its emigrants, and more directly, about the direction of emigrant policies. The growth of these policies has been concentrated in the last 25 years and runs parallel to the deepening of economic integration between the economies of Mexico and the United States since the presidency of Carlos Salinas de Gortari (1988-1994). Several historical studies suggest that the economy was a factor contributing to the abandonment of the "policy of no policy" in favor of attention to emigrants.³ Mexican migration to the United States is nothing new, but until the early 1990s it had been "localized and marginal to the life of the country as a whole."⁴ However, the economic integration of North America had immediate effects on the mobility of the Mexican population to the United States in two ways: it grew exponentially and became diversified.

1 Consejo Nacional de Población, "Anuario migración y remesas 2014."

2 SRE, "Estadística de la población mexicana en Estados Unidos." And "Mexicanos en el mundo 2014."

3 Délano, *Mexico and Its Diaspora in the United States*. Changes in the Mexican government's policies toward the 30 million Mexican migrants living in the United States highlight the importance of the Mexican diaspora in both countries given its size, its economic power, and its growing political participation across borders. This work examines how the Mexican government's assessment of the possibilities and consequences of implementing certain emigration policies from 1848 to 2010 has been tied to changes in the bilateral relationship, which remains a key factor in Mexico's current development of strategies and policies in relation to migrants in the United States. Understanding this dynamic gives an insight into the stated and unstated objectives of Mexico's recent activism in defending migrants' rights and engaging the diaspora, the continuing linkage between Mexican migration policies and shifts in the U.S.-Mexico relationship, and the limits and possibilities for expanding shared mechanisms for the management of migration within the NAFTA framework.

4 Calderón Chelius, *Los superhéroes no existen. Los migrantes mexicanos ante las primeras elecciones en el exterior*, 18.

Under president Ernesto Zedillo (1994-2000), constitutional reforms of great importance facilitated the preservation of citizen rights for Mexicans beyond the country's borders. The two most important examples of this were the law of "no loss of Mexican nationality" and the opening of the possibility of regulating the extension of franchise from abroad, though this was not yet the formal extension of suffrage itself. The justification for these reforms was not only economic and demographic: They occurred in a crucial transition period in which Mexico's Federal Electoral Institute was consolidating as an autonomous and independent institution to organize elections, with a reputation as a guarantor of transparent, credible elections.

Many experts believe that the fundamental change in Mexican state policy (especially in the symbolic dimension of policies towards emigrants) came under the presidency of Vicente Fox (2000-2006), which is when the bodies for emigrant policy administration acquired their current form.⁵ According to Calderón Chelius, the effect of Fox's policies towards emigrants, especially the impulse given to external voting, was felt in the majority support of Mexican emigrants for the PAN in the first elections in which emigrants could vote, in 2006.⁶

CITIZENSHIP/NATIONALITY

DUAL OR MULTIPLE NATIONALITY REGULATION

In Mexico, a distinction is made between nationality and citizenship: While nationality is a link between the individual and the state, citizenship is attributed to that part of the population that has the full exercise of political rights and obligations. Mexican nationality is granted to those born in Mexico or born abroad to Mexican parents.⁷ However, citizenship, which is the condition that habilitates electoral rights, is acquired when one is a Mexican national, over 18 years of age and has an "honest way of living."⁸

⁵ As a child of foreigners born in Mexico, Fox, from the conservative National Action Party (*Partido Acción Nacional, PAN*), had won the right to run for president through a reform of Article 82 of the Constitution in 1993, which followed an amendment to the Constitution of the state of Guanajuato, where he had been governor. Fox had had a personal experience making his way to being eligible for elected office from the local to the national level, by way of constitutional rulings that lifted restrictions on the political rights of persons of Mexican nationality through *jus soli* who had foreign parents.

⁶ Ibid. 20.

⁷ Congreso Constituyente, *Constitución Política de los Estados Unidos Mexicanos*, Art. 30.

⁸ Ibid. Art. 34.

Obtaining reliable data on dual nationality is almost impossible as there is no obligation to inform the Mexican authorities if one has acquired another nationality. The state can only presume that a Mexican has acquired another nationality via other administrative processes.⁹ For example, there are estimates based mainly on figures of foreign-born Mexicans who acquire Mexican citizenship via *jus sanguinis*. The National Population Council (CONAPO) estimated that in 2013 about 3 million of the 11.8 million Mexicans residing in the United States had dual nationality.

In Mexico, it is possible to hold dual nationality, but this only applies to Mexicans by birth (Mexico-born or naturalized by *jus sanguinis*). This means that foreigners who naturalize as Mexicans by residence must renounce their original nationality.¹⁰ The Nationality Act, which entered into force in 1998, famously eliminated any procedure to waive Mexican nationality.¹¹ Dual citizenship applies to Mexicans of first and second generation. Subsequent direct descendants have access to a facilitated naturalization procedure by residence (less than 2 years).

Not only dual nationals face several restrictions on the exercise of their citizen rights; these apply even to Mexicans by birth. While citizens can vote and be elected in all popular elections,¹² some positions and functions are exclusively reserved for Mexicans by birth, who have no other nationality.¹³

A slightly delicate, but relevant issue related to dual nationality, is that Mexican immigrants in the USA who are eligible have received, in recent years, training at consulates to understand the process of naturalization there and successfully become US nationals.¹⁴

LOSS OF CITIZENSHIP/NATIONALITY

Nationality for Mexicans by birth cannot be lost through acquisition of another nationality, residence abroad, or for any other reason. Mexicans by naturalization, however, can lose citizenship by taking another nationality, passport, or residence for over 5 years abroad.¹⁵ Citizenship can be lost by both categories of Mexicans for accepting or using titles of nobility from foreign

9 Cámara de Diputados del H. Congreso de la Unión, *Reglamento de la Ley de Nacionalidad*, Art. 6.

10 Furthermore, naturalized Mexicans are restricted in their ability to take public positions for which Mexican citizenship is a requirement.

11 Cámara de Diputados del H. Congreso de la Unión, *Reglamento de la Ley de Nacionalidad*, Art. 16 and 17.

12 Congreso Constituyente, *Constitución Política de los Estados Unidos Mexicanos*, Art. 35.

13 Ibid. Art. 32; Cámara de Diputados del H. Congreso de la Unión, *Reglamento de la Ley de Nacionalidad*, Art. 16 and 17.

14 Gómez Leyva, “Lanzan campaña de naturalización de mexicanos en EU.”

15 Congreso Constituyente, *Constitución Política de los Estados Unidos Mexicanos*, Art. 37a, b.

governments; for voluntarily providing services, official duties to a foreign government or receiving foreign decorations without permission of the Federal Executive.¹⁶

DIFFERENT RIGHTS FOR EXTERNAL CITIZENS

There is no restriction on the exercise of civil rights of Mexican citizens by virtue of residence abroad. The only difference is positive: in addition to the standard identity documents (passport, birth certificate, or voter ID card) issued for Mexicans in Mexico, emigrants may have a further identity document, the *Matrícula consular*, in order to certify their identity, nationality, and residence within the consular circumscription of the issuing consulate. The Mexican Congress mandates that all Mexicans may apply for it irrespective of their migratory legal status at the consulate closest to their place of residence abroad.¹⁷ The issue of this document requires three security checks and has become very important for Mexicans in the USA who want to prove their identity.

SUFFRAGE

The great challenge for a comparative analysis of the vote of Mexicans living abroad, not only in the frame of this book's cross-sectional perspective, but for longitudinal ones, is to incorporate policy innovations regarding political rights at the sub-national level. Two examples of this are the states of Michoacán and Zacatecas. Since 2007, Michoacán has allowed citizens abroad to vote in local elections. In Zacatecas, the popularly called "migrant law" (a constitutional reform) gave representation in the state congress for Zacatecanos who have emigrated; one seat in the state parliament is reserved for a *diputado migrante*. For this seat dual nationality is recognized and the residence requirement is mitigated by redefining residence as a binational condition. This is incongruous with federal laws, since no direct political rights are recognized to dual nationals.

During the 2012 election campaign, the then Federal Electoral Institute (*Instituto Federal Electoral, IFE*), now National Electoral Institute (*Instituto Nacional Electoral, INE*), designed and implemented a strategy to promote external voting by taking advantage of the organizational capabilities of Mexicans living abroad. The campaign included not only traditional media and information booths, but also a digital strategy through social networking and a microsite to inform Mexicans living abroad about the procedure to vote.¹⁸

16 Ibid. Art. 37c.

17 Cámara de Diputados del H. Congreso de la Unión, *Reglamento de la Matrícula Consular*.

18 IFE, "Informe Final del VMRE. Proceso Electoral 2011-2012." 40.

Regarding the participation of Mexican emigrants who are USA nationals, Mexican consulates have also offered their space for workshops organized by civil society organizations on voter registration of USA electoral processes so that they can exercise their electoral rights in that polity.

VOTING RIGHTS OF NON-RESIDENT CITIZENS

Looking back at the original enfranchisement of Mexicans abroad, it is worth noting that the reform that accomplished this came at the eighth attempt. The seven previous failed proposals had accompanied the development of more agencies and institutions to deal with emigrant policies. An inter-party agreement and a coalition between the *PRI* and *PRD* was crucial, allowing the project to pass referrals in legislative committees.¹⁹

The current state of regulations for the external vote barely reflects the level of updates, investments in assessment, evaluations, feedback, and control that followed the first election in 2006, and the second in 2012.²⁰ Between those elections, the *IFE* also readjusted its budget to more realistic turnout expectations and in turn it reallocated money to cover the cost of registered mail worldwide for the 2012 elections. Also, the requirement to provide proof of residence was eliminated, which was very difficult to fulfill for migrants who share housing with others or had no bills in their own name. These improvements were made through administrative readjustments and did not require a full-fledged electoral reform.

The General Law of Electoral Institutions and Procedures (*Ley general de instituciones y procedimientos electorales, LGIPE*) radically reformed the procedures for voting abroad.²¹ This decree, which entered into force in May 2014, includes many changes in the administration and organization of elections. Besides the right to vote in presidential elections, which has been implemented twice, Mexicans abroad will now be able to vote for state governors, special representatives in some legislatures, and senators in those states that allow it in their constitutions and electoral laws.²² Also, consulates and embassies are

19 Tony Payán und Gregory Schober, “A brincos y sombrerazos: la gestión política del voto mexicano en el extranjero en la Cámara de Diputados.”, *Nósis. Revista de Ciencias Sociales y Humanidades* 16, Nr. 31 (2007): 167-68.

20 Blanco y Fornieles et al., “Análisis jurídico, técnico, organizativo y presupuestal de las alternativas sobre el voto de los mexicanos residentes en el extranjero que presenta el Comité Técnico de Especialistas creado por acuerdo CG753/2012.”

21 Cámara de Diputados del H. Congreso de la Unión, *Ley General de Instituciones y Procedimientos Electorales*.

22 States that allow their emigrants to vote for state governors are, as of July 2016: Aguascalientes, Baja California Sur, Colima, Distrito Federal, Estado de México, Guanajuato, Guerrero, Jalisco, Michoacán, Morelos, Oaxaca, Puebla, and Zacatecas. See “Preguntas Frecuentes - Voto de los mexicanos residentes en el extranjero.”

now able to issue voter IDs (previously only possible in Mexico) up to 90 days before the election for the incorporation of voters into the electoral roll for Mexicans abroad.²³ This reform also facilitated registration on the voters list for foreign residents, and allowed electronic voting as well as voting at embassies and consulates for presidential elections.

As for the right to vote for state legislatures, before 2014, the previous electoral law did not include voting rights for foreign residents below national elections. Thus, another innovation from the electoral reform of 2014 is the enfranchisement of non-resident Mexican citizens for the Senate. This right is enunciated generally, in contrast to the right to elect governors, which depends on the state constitutional regulation (i.e. this falls within the competence of the states to regulate further).²⁴ At the sub-national level, states of the Mexican federation are free to legislate with respect to direct democracy mechanisms, whether plebiscites, referendums, popular initiatives, or consultations.

Still, the 2014 *LGIPE* came to recognize that state executives (governors and heads of government) of the Federal District - now Ciudad de México²⁵ - may also be elected from abroad, which had been practiced since 2007 in several states of the federation in a legal vacuum from the perspective of federal regulation. As mentioned above, however, exceptions and deviations remain between levels regarding the electoral rights of Mexicans living abroad. At least three states (see “Candidacy Rights of Non-Residents”) grant active and sometimes passive electoral rights to emigrants in their legislatures and not only, as the *LGIPE* states, for their executives and senators in the national Congress.²⁶

In Mexico, voting is a civic duty, but there is no penalty for non-voters. For residents abroad, no additional restrictions apply for voting.

Mexico does not hold national referendums.

23 Cámara de Diputados del H. Congreso de la Unión, *Ley General de Instituciones y Procedimientos Electorales*, Art. 329: 1, 2.

24 *Ibid.* Art. 129.

25 As of January 29, 2016, the Federal Constitution was reformed so that the Distrito Federal (Federal District) changed its name to Ciudad de México (Mexico City); however, at the moment of writing, both names are still used in laws and regulations.

26 In at least two states (Chiapas and Zacatecas) there is a growing recognition of „bi-national residence“ as a legal status that reduces, waives, or qualifies the residency requirement to exercise political rights. The state of Zacatecas was a pioneer in this regard, allowing Zacatecans to simultaneously maintain residence abroad and within Zacatecas; LV Legislatura de Zacatecas, *Constitución Política del Estado Libre y Soberano de Zacatecas*, Art. 12.

CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS

Under federal law, Mexicans living abroad cannot be candidates for any elected office. However, important exceptions exist at the sub-national levels. As explained above, some states in Mexico have created seats in their legislatures under an innovative figure of special representation: *candidato migrante*.²⁷

VOTING METHODS AVAILABLE TO NON-RESIDENT CITIZENS

Once Mexicans living abroad have registered on the *LNERE*, they cannot vote in Mexico. In the last presidential election, they could vote only by post. In future elections, it is expected to be possible to vote in person at embassies and consulates (enabled as polling stations) and to vote electronically via internet, in addition to voting by post.²⁸

REGISTRATION FOR FRANCHISE

In contrast to Mexicans in Mexico, who are enfranchised upon obtaining voter ID, residents abroad must actively register by requesting to be entered in the *LNERE*.²⁹

MODE OF REPRESENTATION

The votes of nonresidents are counted separately from votes cast in Mexico, but for the purposes of electing representatives, they are combined with those of the country in a local district with which the voter has a biographical connection (place of residence, birthplace, place of parental origin).³⁰

EXTERNAL VOTING IMPLEMENTATION

All provisions for external voting have been implemented, save for the recently approved voting procedures (from the May 23, 2014 reform) for which specific regulations are required, including pilot testing and international certification agencies (i.e. internet voting). Budgets and new administrative units are still being planned for implementation.

27 This exists in three states: Chiapas, Guerrero, and Zacatecas. Currently there is a bill to create these seats in Jalisco. To continue with the example of Zacatecas, there is no restriction for elected office for naturalized Mexicans and Zacatecanos of binational residence may even be elected to local government councils (*ayuntamientos*); *Ibid.* Art. 51; Congreso de Zacatecas, *Ley Electoral del Estado de Zacatecas*, Art. 5: VII.

28 Cámara de Diputados del H. Congreso de la Unión, *Ley General de Instituciones y Procedimientos Electorales*, Art. 329; 2.

29 *Ibid.* Art. 330 and 331.

30 *Ibid.* Art. 140.

REGULATION OF POLITICAL COMPETITION

There is no explicit prohibition of holding offices abroad, but campaign financing abroad is strictly prohibited, as is any activity or proselytism during electoral campaigns in Mexico.³¹

PARTY OFFICES IN HOST COUNTRIES

Any political campaign abroad is prohibited during election periods and the activities of political parties abroad are strictly regulated. However, there are news reports of the *PAN* opening offices in Illinois.³² These are called *Casas del migrante*, and while they are not supposed to be used for proselytizing or campaigning, they are run by party members. There is also a document regulating the basic formal structure of *PAN* offices in the USA, adopted in 2005 at a *PAN* convention in the USA.³³ In fact, despite the explicit prohibition on receiving money from people or organizations abroad or conducting electoral campaigns abroad there is strictly speaking no legal contradiction: Parties may receive in-kind donations, including real estate (i.e. an office), donated by a Mexican national (e.g. the prohibition of donations applies to foreign organizations or persons).

POLITICAL CAMPAIGNS ABROAD

Political campaigning abroad is prohibited.³⁴

POLITICAL PARTY MEMBERSHIP ABROAD

Mexican political parties are free to regulate membership as they see fit. In general, Mexicans abroad can be members so long as they pay their membership dues. Regarding domicile and residence requirements, party statutes refer to the official regulations for particular candidacies. For example, the *PRI* states that for local elections, potential candidates must be party members for at least three years and maintain a residence that satisfies the requirements of the respective legislation.³⁵

31 Ibid. Art. 353.

32 Bravo Mena, "El PAN en EU- El Universal - Editoriales."

33 Asamblea Fundacional de Acción Nacional en EUA, "Normas mínimas para el funcionamiento de la estructura del Pan en los EUA."

34 Cámara de Diputados del H. Congreso de la Unión, *Ley General de Instituciones y Procedimientos Electorales*, Art. 353.

35 Partido Revolucionario Institucional, "Estatutos del Partido Revolucionario Institucional," 91. See also Partido de la Revolución Democrática, "Estatuto," 98.

INSTITUTIONAL PARTICIPATION

The National Coordination of Migrant Deputies in Mexico (*Coordinación nacional de diputados migrantes de México, Conadim*) was established to “promote policies in favor of this social group” and brings together members of different state legislatures and legislative committees of the federal congress, migrant representatives residing in the USA, and researchers.³⁶

NATIONAL CONSULTATIVE BODIES

In Mexico, locating the proper consultative body that includes emigrants in policy making is not an easy task because of the misnomers in the titles of different bodies. There is a consultative body representing migrants at the national level of government, but it is not the National Council for Mexican Communities Abroad (*Consejo nacional para las comunidades mexicanas en el exterior, CNCME*), as the name would suggest. *CNCME* is a body of inter-institutional coordination that will be described below (see “Home Administration”), together with the Institute of Mexicans Abroad (*Instituto de los Mexicanos en el Exterior, IME*). The proper body for consultation with Mexican emigrants is the Advisory Council of the Institute of Mexicans Abroad (*Consejo consultivo del instituto de los Mexicanos en el exterior, CCIME*).

The *CCIME*’s main tasks are to maintain a systematic and constructive dialogue with communities of Mexican emigrants, and to make specific recommendations to the government on how to improve their quality of life. It is organized into committees devoted to topics such as health, education, outreach and media, legal issues, border issues, economic affairs, business, and political affairs. It is consulted twice a year and may also be convened in exceptional sessions if required. It consists of over 100 members and is renewed every three years, without the possibility of immediate reelection. Members are appointed “by consular district or trajectory.”³⁷ Among them are up to 8 representatives of associations of Mexicans abroad. The leadership of the council falls on the board of *CCIME*, which is comprised of the director of *IME* and the heads of each *CCIME* committee. *CCIME* meetings serve as forums that include more than a hundred representatives of emigrants, con-

³⁶ López, “Alistan Congreso de Migrantes, Quadratín”; Martínez, “Integran Coordinación Nacional de Diputados Migrantes.”

³⁷ Both paths are quite complex and subject to different regulations. The selection by consular district opens up the possibility for democratic elections by the emigrants who reside within a consular district. The selection by trajectory aims to capture community leaders. The detailed guidelines can be found on the *IME*’s website and are under constant critique for their improvement. See Instituto de los Mexicanos en el Exterior, “Convocatoria Renovación *CCIME* aprobada para el 2012-14.”

gressmen, state ministers, and senior bureaucrats. It serves as a platform to propose new directions for emigrant policies and specific legislation.³⁸

ADMINISTRATION

CONSULATES

As of 2014, there were 148 Mexican representations (embassies and consulates) in the world. Of these, 67 were consulates; 51 of which are in the USA and 6 in Canada. This is separate from the 160 honorary consulates. In addition, Mexico has mobile consulates and “consulates on wheels” to bring consular services closer to communities of Mexicans far from consular representations. These are installed either in the spaces of community organizations (e.g. churches, schools), or inside vehicles. Additionally, consulates have opened new regular office hours on Saturdays and Sundays to extend their availability to the community in the USA.³⁹ A new technology platform in 141 consulates around the world has been created to record, store, and prepare documents and manage consular services more swiftly.

The catalogue of standard services offered by consulates grew significantly since the *Matrícula consular* started being issued. Furthermore, the registration system to collect information on Mexicans travelling or living abroad became centralized and uniform thanks to the Registration System for Mexicans Abroad (*Sistema de registro para los mexicanos en el exterior, SIRME*), created in 2011. Another improvement of the consular services is due to the Special Platform for the Attention to Indigenous Migrants (*Plataforma especial de atención a migrantes indígenas*), which establishes a directory of speakers and voluntary interpreters of indigenous languages for better assistance and protection of this population, who are especially vulnerable in the USA and Canada. To register, applicants must only demonstrate that they are Mexican nationals through a document or an interview with the consul.

Mexican consulates offer legal, financial and, in some cases, psychological consultations.⁴⁰

Mexico has various programs that specialize in legal and judicial protection, beyond the general protection services of consulates. The funds used

38 CCIME, “XIII Reunión Del CCIME.”

39 SRE DGPAC, “Informe de actividades de la Dirección General de Protección y Asuntos Consulares.”

40 Some consulates (e.g. Alaska) offer psychological consultations through their *Ventanilla de salud* (see below, under Social Policies) providing information and channeling migrants to get affordable help in cases of depression and other psychological problems; Consultation with former Mexican consul to Alaska, currently consul in Berlin, interview November 14, 2014.

for these consultancies come from the Ministry of Foreign Affairs (*Secretaría de Relaciones Exteriores, SRE*) and go specifically to pay for one-hour consultations in different areas of law for migrants otherwise unable to afford legal counsel. The consulates carry out a pre-screening of the migrants who apply, as it should be directed to migrants who cannot afford legal counsel themselves. These programs include: the *Programa técnico jurídico especializado*, which focuses on high impact litigations and collective litigation; the *Programa de abogados consultores*; the *Programa de Asistencia Técnica Jurídica a Casos de Pena de capital en EE.UU.*⁴¹

Mexico has a voluntary repatriation program besides the repatriation programs for vulnerable persons, and corpses.⁴²

Regarding financial education, the *Tu dinero, tu futuro, semana de educación financiera en Estados Unidos y Canadá* program is organized jointly by 50 consulates and 482 local partners that collaborate to organize workshops and seminars to educate Mexicans on programs to make investments, get loans, and open accounts.⁴³

Beyond legal, financial, and psychological consultancy, the consular network has extended its classical services in other areas. The *Plazas comunitarias* serve as community centers that provide information on all programs directed to emigrants. They provide remote education services (literacy courses, primary and secondary schooling, informal education, English as a second language, courses on cultural topics, and technical and computer training) and health information mainly with a focus on prevention but also regarding affordable and secure healthcare that does not endanger the stay of undocumented migrants. The manpower for this is provided mostly by local NGOs, while consulates work as organizers, hosts, and connectors.⁴⁴

Importantly, since the Deferred Action for Parental Accountability and the expanded Deferred Action for Childhood Arrivals (administrative measures of the Obama administration to regularize the status of millions of undocumented immigrants) were announced in 2012, the Mexican consulates and their networks of partner institutions have promoted information campaigns, seminars, workshops, and specialized legal counseling services. They also collaborate with consulates of Central American countries.⁴⁵

41 Alma Arámbula and Gabriel Mario, “Protección consular a los mexicanos en el exterior,” 21-22.

42 The Program of Voluntary Repatriation has been implemented intermittently over the last years to bring Mexicans back to their communities of origin when they voluntarily express a desire to return. This is part of a memorandum signed by the governments of the USA and Mexico since 2004; Secretaría de Relaciones Exteriores, “Informe de Labores de la SRE 2012”, 221.

43 IME, “Lazos Económicos n°16.”

44 INMUJERES, “Directorio de Servicios a los Migrantes 2014.”

45 Déllano, “Migrants’ Countries of Origin Will Play a Key Role in the Success of

HOME COUNTRY ADMINISTRATION

Beyond the General Directorate for the Protection of Mexicans Abroad, which holds the third rank in public administration and is incorporated into the Ministry of Foreign Affairs (*SRE*), the administration and development of policy towards Mexican emigrants rest mainly on three interconnected institutional pillars: *IME*, *CNCME*, and *CCIME*.

As mentioned above, *CNCME* is an organ of inter-institutional coordination of emigrant policy, with the task to facilitate implementation (i.e. not consultation, recommendation, or developing guidelines or courses of action). It has the right of initiative and its consultation is mandatory twice a year. However, as stated above, *CNCME* does not have any direct representation of migrants (unlike the *CCIME*, see above). Yet, its questions, initiatives, and recommendations must be addressed by the government agencies responsible for implementing the respective policies.

In terms of design, development and implementation of emigrant policies, the most important state agency is the *IME*, a decentralized administrative body loosely incorporated under the Ministry of Foreign Affairs, with its own budget, responsible for the implementation of emigrant policies.⁴⁶ The *IME* operates through diplomatic and consular representations of Mexico around the world. The head of the *IME* is appointed by the President of the Republic on the recommendation of the Secretary of Foreign Affairs. However, it is important to point out that the *IME* does not set its own guidelines. Instead, it must follow the guidelines produced by the *CNCME*, and the counsel and recommendations produced by the *CCIME*.⁴⁷

Currently, the *IME* aims to incorporate the perspective of the specific communities it seeks to serve. The current *IME* is the result of a long process of experimentation with extending public services to serve the emigrant community. At the federal level, this process started in 1990, but gained more resources from the administration of President Vicente Fox (2000-2006) onwards.⁴⁸ A milestone in the development of state structures in Mexico to administer the many emigrant policies,⁴⁹ the *IME*'s creation by decree in 2002-3 did not come out of the blue, it replaced (and absorbed in terms of staff and resources) both the Program for Mexican Communities Abroad (created in 1990) and the Presidential Office for Mexicans Abroad (*Oficina de la presidencia para los Mexicanos en el extranjero*, *OPME*).⁵⁰

Obama's Executive Actions."

46 Manuel Espinoza Barragán, *Lineamientos de derecho público mexicano*, Tijuana, Baja California: Cárdenas, 1986: 141.

47 Presidencia de la República, *Decreto por el que se crea el Consejo Nacional para las Comunidades Mexicanas en el exterior*.

48 González Gutiérrez, "La diplomacia de México ante su diáspora," 199.

49 González Gutiérrez, "Del acercamiento a la inclusión institucional," 200.

50 Délano, *Mexico and Its Diaspora in the United States*. 201-202.

In Mexico, the first government agencies aimed at managing policy towards migrants were created at the sub-national level. The National Coordination Office for Attention to Migrants (*Coordinación nacional de oficinas de atención a migrantes*) was the first office for the coordination and exchange of information across agencies of different federal states.⁵¹ These sub-national offices have had different ranks in public administration. The creation of a federal administrative unit has not replaced or subsumed the administrative units of state governments under its central authority, but merely homogenized them to a certain extent. Unlike *IME*'s subordination to the Ministry of Foreign Affairs at the federal level, however, they are dependent on other agencies.⁵²

ECONOMIC POLICIES

REMITTANCES

Several programs seek to reduce the costs of remittances, for example, *Directo a México* or *Corredores financieros*, both of which work to facilitate the flow of remittances from and to 15 localized places.⁵³ The importance of facilitating the flow of remittances is obvious in Mexico: In 2007 alone, remittances from overseas workers amounted to 71.3% of total foreign investment, 95.8% of FDI, 8.8% of total exports, 55.7% of oil exports, and exceeded more than three times the value of agricultural exports.⁵⁴

INVESTMENT

Mexico has been a pioneer in the development of programs to channel remittances to productive projects: The *3x1* program works with donations from *clubes de oriundos* (commonly known as Hometown Associations, HTAs) and migrant federations (i.e. HTA conglomerates), matching them with federal, state, and municipal government funds: for every dollar sent by migrants, the other 3 levels each contribute a dollar. The program has a long tradition and history of upward development from the local to the federal level until it took its current form in 2002. By 2006, the project was extended to 26 states of the Republic with the participation of over 1,000 migrant associations that have joined the state to fund 6250 projects with an average federal investment of

51 Barbosa and Alarcón, "Emigration Policy and State Governments in Mexico," 178.

52 For example, since January 1, 2013, the Institute of Migrant Care in Guanajuato is subordinated to the Ministry of Social Development (*Secretaría de Desarrollo Social, SEDESOL*).

53 *IME*, "Remesas Directo a México"; *FINAMIGO*: Financiera Mexicana para el Desarrollo Rural, "89 Jornada Informativa Del *IME*"; *IME*, "Lazos Económicos."

54 Maya and Gil, "Remesas, desarrollo regional," 97.

\$15 million annually.⁵⁵ By 2014, the program had been implemented throughout the country by the Ministry of Social Development.

The *Paisano invierte en tu tierra* program intends to connect remittances with rural and agricultural development. The target audience is entrepreneurs who want to start businesses with the remittances they send to generate wealth and create sources of employment in their areas of origin. It grants loans to allow emigrants to invest in Mexico, provided they have a co-investor/co-signer in Mexico.⁵⁶ The project aims to turn emigrants into prominent actors in the development and capitalization of the Mexican countryside. It specifically creates conditions for the remittance-receivers to transform their economic dependence and for senders to become productive partners. The projects funded may be agribusiness, agro-tourism, organic certification, and greenhouses.⁵⁷

The *Tu vivienda en México* program promotes the purchase of homes in Mexico among the Mexican population abroad. Participating agencies are: the IME; the *Comisión Nacional de Vivienda (CONAVI)*; the *Sociedad Hipotecaria Federal (SHF)*, private enterprises through the *Sociedades Financieras de Objeto Limitado (SOFOLES)* and housing developers.⁵⁸

The *EMPLEO: Employment, Education & Outreach* program is a partnership between government agencies, consulates of various countries and NGOs in Southern California to provide legal assistance to Mexicans in the USA on labor issues related to abuse in their workplace, regardless of their immigration status.⁵⁹

BRAIN-CIRCULATION NETWORKS AND BRAIN-GAIN PROGRAMS

It can be estimated that approximately 7% of Mexican emigrants have graduate or professional degrees in 2014.⁶⁰ These highly educated emigrants are scattered throughout the world, in contrast to the concentration of low-skilled Mexicans in North America. As of June 2015, the Global Network of Highly Qualified Mexicans Abroad (*Red Global de Mexicanos altamente calificados en el exterior*), had 40 chapters with 4,000 members around the world with representations in 19 countries.⁶¹ The purpose of the network is to serve as a platform for highly skilled Mexicans to connect with one another, collabo-

55 Fernández de Castro, García Zamora, and Vila Freyer, *El programa 3x1 para migrantes*.

56 SRE, IME, and CONDUSEF, “Sácale provecho a tus remesas,” 15.

57 Ibid. 11.

58 IME, “¿Cómo funciona “Tu vivienda en México.””

59 IME, “X aniversario del programa empleo: Employment, Education & Outreach.”

60 Consejo Nacional de Población, “Anuario migración y remesas 2014,” 39.

61 Agencia de noticias del Consejo Nacional de Ciencia y Tecnología (Conacyt). Información mexicana de los desarrollos científicos y tecnológicos, “Red Global MX: Talento Mexicano en el Exterior.”

rate, and also to establish links to business sectors that generate high added value to help Mexico better integrate into the global economy and in particular, the “knowledge economy.” It works thanks to the collaboration of the *SRE* through the *IME* and the National Council for Science and Technology (*Consejo nacional de ciencia y tecnología, CONACyT*), which sets the priority areas, and has the support of embassies, consulates, and the US-Mexico Foundation for Science for its operation.⁶²

As a brain-gain program targeting emigrants, Mexico has the *Programa de apoyo complementario para la consolidación institucional (fondo institucional) repatriación y retención*, which seeks to encourage the incorporation (“retention”) of Mexican researchers who are in the country without affiliation or tenure in Mexico and the return (“repatriation”) of Mexican researchers abroad who have a PhD and a consistent track record. There is a fund of up to \$MXN450,000 per year for researchers who enter public institutions.⁶³ For researchers joining private universities, the maximum amount *CONACyT* grants is 50% of the total amount stated above while the institution hosting the applicant must be ready to cover the remaining 50%. The application must be submitted by institutions of higher education or research centers.⁶⁴

RETURN POLICIES

Notably, among the many Mexican economic policies towards emigrants, none encourages return. Although some emigrant policies (especially economic policies regarding investment in agribusinesses and return of academics and scientists) have been designed with a view towards making return easier, no policy is aimed explicitly towards return. However, there are campaigns to make the journey easier and safer (see below the *Programa paisano bienvenido a casa*), but there is no general campaign to give incentives to return, or even to facilitate reintegration of Mexicans who have returned.

Regarding the recognition of titles and qualifications obtained abroad, Mexico has bilateral agreements with 8 countries for the automatic recognition of qualifications: Argentina, Chile, China, Colombia, Ecuador, Guatemala, Paraguay, and Spain. For titles acquired in any other country there is a procedure for the recognition of studies and qualifications: The lead agency is the Ministry of Education. This process may take 30 business days and is the same for foreigners and Mexicans who have studied abroad. An Apostille from the country where the degree was acquired is required for registration and recognition of titles and qualifications.⁶⁵

62 *IME*, “Capítulos de la Red Global MX.”

63 This includes up to \$MXN350,000 as complementary support to the incorporation of the researcher and up to 100,000 as complementary support for the research. And up to \$MXN50,000 for travel and installation expenditures.

64 *CONACyT*, “Repatriaciones y retenciones.”

65 Secretaría de Educación Pública, “Cuadro informativo sobre registro de estudios

OBLIGATIONS

In general, Mexico has made citizen obligations less stringent on emigrants, but opened paths to fulfill them through the consular network. Fulfilling them is irrelevant to the enjoyment of citizen rights as emigrants, but relevant in case Mexicans want to return to Mexico.

MILITARY SERVICE, SOCIAL SERVICE, TAXES

The obligation for military service begins when the citizen turns 18 years of age, at which time, registration is required, whether in Mexico or abroad. Mexicans living abroad who had not previously registered may defer at a Mexican embassy or consulate. If they fail to do so, they will be deemed reluctant to serve. Deferral is granted for up to 5 years living abroad. In peacetime, Mexicans by birth who have acquired another nationality are not obligated to serve, providing they go to the nearest Mexican embassy to obtain their exemption.⁶⁶ Moreover, according to the *SRE*, the military service document (*cartilla militar*) has ceased to be a requisite to issue a passport, so it is less fundamental an obligation for Mexicans abroad, as long as they do not intend to return (since many employers require that document).⁶⁷

Social service is a temporary activity undertaken by students and interns (be they Mexican or foreign) of Mexican schools and is only mandatory for those who have received secondary or higher education in Mexico and want to get a recognized degree/title to practice their profession. Students and trainees of any nationality who have studied at a technical, upper secondary or undergraduate level in Mexican institutions, but reside abroad, may perform social service or internship in the representations of Mexico abroad (consulates and embassies).⁶⁸

Regarding an obligation to pay taxes, this applies only to residents abroad (national or non-national) whose profits, salary, or gains come from a source in Mexican territory.⁶⁹

y expedición de títulos y cédulas profesionales.”

66 Cámara de Diputados del H. Congreso de la Unión, *Ley del Servicio Militar, 1940 Reformada 1998*. Art. 5bis.

67 Secretaría de Relaciones Exteriores, “Modernización de la atención a los mexicanos en el exterior,” 46.

68 Presidencia de la Republica, *Reglamento de la Ley Reglamentaria del Artículo 5° Constitucional, Relativo al Ejercicio de las Profesiones en el Distrito Federal*.

69 LosImpuestos.com.mx, “Régimen de residentes en el extranjero con ingresos en México.”

CULTURAL POLICIES

No evidence could be found of independent cultural centers that are managed and funded by the government of Mexico. However, there are cultural institutes, known as Institutes of Mexico (*Institutos de México*), which are partially funded by the Mexican government and attached to consulates in several cities around the world. These Institutes are non-profit organizations relying on private, corporate, and foundation support for their mission. For example, in 2011, the Institute in New York City received one third of its funding from the Mexican government.⁷⁰ In addition, Mexican embassies may have other types of cultural promotion spaces attached: cultural centers (Centro Cultural, in Guatemala, for example) or cultural spaces (Espacio Cultural, in Chile, Colombia and Uruguay). However, none of these spaces has Mexican emigrants as their explicit target.

The government has no other cultural programs explicitly directed to emigrants.

EXIT AND TRANSIT POLICIES

There are neither political nor economic restrictions (e.g. exit fees) for Mexican citizens, nor are there any campaigns to discourage emigration. There are, however, some transit policies.

The *Paisano, bienvenido a casa* program is an information campaign to inform Mexicans thinking of leaving the country (to the USA, in particular) on the citizen rights and duties (i.e. not human rights) that they as Mexicans enjoy despite living outside of Mexico, in addition to the best routes and safe travel tips. The program began in the 1980s, when a group of civil associations of Mexican-Americans demanded that the government of Mexico combat abuse, extortion, theft, and corruption by federal border authorities. Since 1995, the importance of the program was raised with the aim of “dignifying the work of Mexicans abroad.” Today, more than 20 federal agencies and departments work together through an inter-ministerial commission with a special budget from the National Institute of Migration (i.e. not the *IME*).⁷¹ It is worth mentioning that although *Paisano* provides no incentives to return, it works as a general information campaign in many indigenous languages that includes many important issues and a catalog of policies designed specifically for migrants wanting to return to Mexico.

70 The Mexican Cultural Institute of New York, “Annual Report 2011.”

71 Instituto Nacional de Migración, “Programa Paisano Del INM.”

There is also a directory of organizations led by the SRE in collaboration with the Ministry of Social Development to increase the transparency of the participating HTAs in the *3x1* program, through the promotion of their registration in the electronic *IME* directory of hometown associations.⁷²

SOCIAL POLICIES

HEALTH

Mexicans living abroad can maintain benefits if their employment contract is Mexican because labor laws apply to Mexican contracts regardless of the place of residence. However, few are covered, since this applies only to people affiliated to public social insurance systems.⁷³

With respect to pensions and retirement, Mexicans abroad have access to them under the same conditions as Mexicans resident in Mexico. However, as explained above, the coverage of these insurance systems is scant. The eligible must show up at the nearest consulate every six months to request a certificate of survival.⁷⁴ Recipients must also be willing to cover the costs of administrative expenses for the payment of pensions in Canada, Italy, Spain, and the USA, as the Mexican government does not have a social security or pensions agreement with them. Mexico offers no special retirement program for emigrants.

As for health insurance, it is not possible for emigrants to enter the public universal healthcare system. The public *IMSSS* and *ISSSTE* systems' coverage are greatly limited by the conditions of membership: formal employment and paid employer contributions. The *Seguro popular* is the first universal health insurance program that allows anyone to register and pay their individual contributions. However, the range of services covered remains minimal. Importantly, since 2012, emigrants may *pre-affiliate* to the *Seguro popular*, which means that emigrants can register their family members in Mexico (meaning that family members themselves complete the administrative process where they reside) and pay their family's contributions.⁷⁵

For emigrants in particular, there are services like the *Ventanillas de Salud*, which are an ongoing service provided by US consulates, and the *Semana*

72 Secretaría de Relaciones Exteriores, "Sistema de registro para mexicanos en el exterior."

73 These are: Institute of Security and Social Services for the State Workers (*Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, ISSSTE*) for public employees, the Institute of Social Security of the Mexican Armed Forces (*Instituto de Seguridad Social de las Fuerzas Armadas Mexicanas, ISSFAM*), and the Mexican Institute of Social Security (*Instituto Mexicano del Seguro Social, IMSS*) for other employees.

74 Consulado de carrera de México en Caléxico, "Supervivencias."

75 Gobierno del Estado de Guanajuato, "El seguro popular y los migrantes."

binacional de salud, the goal of which is to guide Mexicans in the USA through the services to which they have access. This is especially important for undocumented Mexicans in the USA and their families, who avoid seeking medical help for fear of being reported to immigration authorities and deported.⁷⁶

EDUCATION

Mexico has developed some policies in the field of education that conceive of a bi-national population that intermittently resides in Mexico and the USA and thus requires access to services in both countries. Several programs exemplify this at different levels of education. The *Programa binacional de educación migrante (PROBEM)*, administered by the Ministry of Education, seeks to ensure equitable and continued basic education for children and young people spending part of the school year in Mexico and another part in the USA, thus offering the opportunity to enroll them in elementary or secondary schools at any time of the school year. A document recognized by both countries (*Documento de transferencia del estudiante migrante binacional*) makes this possible. The program is also an exchange program for teachers and encourages the hiring of Mexican teachers in US schools in order to teach children of Mexican origin who do not speak English.⁷⁷

Also, the *B@UNAM* program allows for high school at distance (partly online) and is led and administered by the National Autonomous University of Mexico (*Universidad Nacional Autónoma de México, UNAM*). It is offered to Mexican emigrants in cooperation with the Ministry of Education and the *IME*.⁷⁸

Furthermore, the *IME-BECAS* program, created in 2005, channels \$MXN10,000,000 yearly from the Mexican government to pay for education of Mexicans in the USA over 15 years old. It is operated at the local level by the consulates in a 3x1 financing scheme that includes government, academic institutions, and individual donors.⁷⁹

On a level of minimal assistance, there are also programs traditionally administered by the consulates in their *Plazas Comunitarias*, which gather volunteers to teach Mexican emigrants how to read and write. There are other specialized programs of adult education and an elementary schoolbook donor program for Mexican children in the US.

76 González Gutierrez, “La diplomacia de México ante su diáspora,” 206.

77 Dirección general de relaciones internacionales Mexicanos en el exterior (Mexterior), “Programa de Intercambio de Maestros.”

78 Universidad Nacional Autónoma de México, “.: B@UNAM .:”

79 Gobierno de México, “IMEBECAS.”

SYMBOLIC POLICIES

Given the density of policies towards emigrants in other dimensions, it is remarkable that there are so few symbolic policies. It is well known that Mexican emigrants have been “rehabilitated” in the discourse of recent Presidents,⁸⁰ yet this is not reflected in policy. No general communication campaign exists to strengthen ties between emigrants and Mexico, there is no explicit reference to migrants in the Constitution. There is no symbolic territorial entity alluding to emigrants beyond the territorial borders, even though Mexican migrants have pushed to reform the Constitution to create a sixth constituency that would give emigrants some representation in the National Congress, which would not, be symbolic, but a true unit representing their interests.⁸¹

There is no national-level celebration of a day of the migrant, even though the International Day of the Migrant has been recognized in Mexico and there are some very limited official celebrations.⁸² There is no explicit inclusion of the diaspora in the national day of celebration (September 15, Independence Day).

The few symbolic policies that Mexico has for its emigrants are conferences and awards. There are often locally-organized conferences and workshops. Additionally, there are competitions in different branches of the arts (photography, film, poetry, and painting) designed specifically for Mexicans abroad that occur irregularly but frequently and always have the cooperation of several, mainly cultural, state agencies. The requirements are typically open and the technology required to participate remains basic in order to target a wider public.⁸³

The Mexican government presents the *Ohtli* awards, its highest honor, to highlight the work of people committed to the development of Mexican communities. Eligible are Mexicans, Latinos, and their descendants born abroad who have dedicated most of their life and professional activity to ensuring that future generations of Mexicans have an easier path to walk (*Ohtli* means “path” in Náhuatl).⁸⁴ In each consulate or embassy, one *Ohtli*, consisting of a medal, a silver rosette, and a diploma, is awarded by the IME per year (374 have been awarded since 1996).

80 See Délano 2011, Calderón-Chelius 2009. Beyond the symbolic references to “Mexico beyond the borders” in several speeches by President Fox (2000-2006), no significant symbolic institutions survived his presidency.

81 PROFMEX, “PROFMEX: Consorcio Mundial para la Investigación sobre México.”

82 Calderón, “El Día del Migrante en México.”

83 Instituto de los Mexicanos en el Exterior, “Éste es mi México 2015.”

84 Instituto de los Mexicanos en el Exterior, “Reconocimiento Ohtli.”

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