

CHANGE OF CONDITION PERMANENT RESIDENT BY FAMILY RELATIONSHIP

Article 38. Procedure form for the change of condition of stay in the modality, change to permanent resident by family relationship.

Applicable to: To the foreign person holder of the condition of stay of visitor or temporary resident, that wishes to reside permanently in national territory and that proves relationship to a Mexican or foreign person permanent resident in accordance to the mentioned in the criteria section in the procedure form herein.

Requirements:

1	Copy of the passport, identity and travel document or official document that has been shown to obtain the condition of stay that he/she holds. In case of submitting FMM the original is also required.
2	Temporary resident card or visitor, or current and valid FMM.
3	Proof of payment of rights for the reception and study of the application of change of condition. For the reception and study of the application and, where appropriate, the authorization for change of immigration status it will be paid according to the \$1,124.00 quota with basis on the Article 9º of the LFD (Federal Rights Law). Permanent resident: \$4,289.00, with basis on the Article 8º, subsection VII of the LFD.
4	Original and copy of the valid official identification for Mexicans or the valid residency card for the foreigner, that proves the relationship.
5	<p>To demonstrate the relationship in accordance to the following:</p> <ul style="list-style-type: none"> a) In case of being mother or father of a Mexican or a foreign person with permanent residency in national territory, he/she should submit original and copy of the birth certificate of the Mexican or the permanent resident. b) In case of being the son of a foreign person permanent resident, he/she should submit original and copy of the birth certificate. The aforementioned as long as he/she is minor and has not married or he/she is under his/her guardianship or custody. c) In case of being son of the spouse or cohabitant of a Mexican or permanent resident, he/she should submit original and copy of the birth and marriage certificate or of the document that proves concubinage of the father or mother with the Mexican or foreign person. The aforementioned as long as he/she is a child or teenager and has not married or he/she is under his/her guardianship or custody. d) In case of being a child or teenager with guardianship or custody in charge of a Mexican or a foreign person permanent resident in national territory, he/she should submit original and copy of the document issued by the competent authority. e) In case of being son of a Mexican in accordance to the subsection d), fraction I of the criteria section in the procedure form herein, he/she should submit original and copy of the letter of naturalization and birth certificate of the foreign person. f) In case of being brother of a Mexican or a foreign person with permanent resident in national territory, he/she should submit original and copy of both birth certificates. The aforementioned, as long as the child or teenager has not married or original and copy of the document that proves that he/she is under the legal representation of a Mexican or permanent resident. g) In case that the foreign person has obtained the condition of stay of temporary resident by marriage or concubinage with a Mexican or a foreign person permanent resident, he/she should submit original and copy of the marriage certificate or the document that proves concubinage in accordance to the civil legislation or the document that proves a legal form equivalent to the concubinage granted by the competent authority of the country of origin or residency of the foreign person, and under oath to tell the truth signed by the applicant and his/her spouse or cohabitant, in which it is mentioned his/her marital residency and the continuity of said relationship during two years before the application. h) In case of having Mexican sons by birth, he/she should submit original and copy of the children's birth certificate. i) In case of being mother or father of a Mexican, he/she should submit original and copy of the birth certificate of the Mexican son(s) by birth. j) In case of being grandparent of a Mexican by birth, he/she should present original and copy of the birth certificate of the Mexican grandchild by birth and his/her parents. k) In case of being son or daughter of a Mexican by birth, he/she should submit original and copy of the applicant's birth certificate, and l) In case of being grandson or granddaughter of a Mexican by birth, he/she should submit original and copy of the birth certificate of the grandfather, parents and applicant.

Validity of authorization:

- Indefinite, except for minors, in that case will have the following validities:
- 1 year, in case of minors under 3 years old.
- 4 years in case of minors older than 3 years old and younger than 18 years old.

Resolution Criteria:

I. The holder of the condition of stay of visitor or temporary resident could change to the condition of stay of permanent resident by family relationship, when he/she is found in any of the following situations:

- a) Being father or mother of a Mexican, or a foreign person with permanent residency.
- b) Being son of a foreign person permanent resident in national territory, or son of a spouse or cohabitant of a Mexican or permanent resident, as long as he/she is minor and has not married or he/she is under guardianship or custody of the permanent resident or his/her spouse or cohabitant.
- c) Being a child or teenager with guardianship or custody in charge of a Mexican or a foreign person with permanent residency.
- d) Being a child of a Mexican, when he/she has born abroad and in accordance to the article 30 of the Political Constitution of the United Mexican States he/she is not Mexican.
- e) Being brother of a Mexican or a foreign person permanent resident in national territory, as long as he/she is a minor or is under legal representation of a Mexican or permanent resident.
- f) Being spouse or cohabitant of a Mexican or permanent resident that proves two years of regular stay in national territory as temporary resident counted from the date of entry into the national territory or when he/she acquired the condition of stay by relationship with the Mexican or the permanent resident, as long as the relationship subsists.
- g) To have Mexican children by birth, or
- h) Being the father, mother, grandfather, grandmother, son, daughter, grandson or granddaughter of a Mexican by birth.

II. In case of concubinage it will not be necessary that the cohabitation has been for certain term, when they have had children in common.

The term considered in the national legislation for the concubinage does not apply in the cases of a figure equivalent to the concubinage, since it should be considered in accordance to the legislation of the country involved.

Important:

- ✓ In case of positive resolution, the foreign person should submit the corresponding requirements for the issuance of the immigration document by authorization of condition of stay, in terms of the article 33 of these guidelines.
- ✓ The foreign person that obtains authorization of the condition of stay of permanent resident has the obligation to communicate the Institute any change of civil status, change of nationality for a different one to the used when entering the national territory or change of address or place of work. The communication should be made within the ninety calendar days after said change takes place.
- ✓ In case of non-compliance to said obligation he/she will receive the penalties provided in the article 158 of the Law.