

RESPONSES TO MIGRATION

On the Unrenounceability of Mexican Nationality

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In December 1996, three articles (30, 32, and 37) of the Mexican Constitution were modified to open the possibility to all Mexicans to keep their Mexican nationality, even though they choose to take another one. The aim of the legislation is twofold. One is to permit Mexicans to reside in another country and still maintain roots in their country of birth. The second is to remove any obstacle—real or perceived—that might limit their full advancement and legal protection in their country of adoption.

According to the constitutional changes, no Mexican by birth can be deprived of Mexican nationality, except in a few specific instances; and acquiring another nationality is not one of these. These changes have yet to become law because Mexican States are in the process of ratifying them.

These constitutional changes create a status or norm that will provide new obligations and rights. Mexican secondary laws will regulate or determine the specific rights of those who possess another nationality. The aim here is to avoid conflicts derived from possessing double, or multiple, nationality. These conflicts might arise in such fields as taxation and property rights, and extradition and political rights. On this point, it is worth mentioning that in the interim—until the

corresponding secondary laws are changed—the current Nationality Law (Ley de Nacionalidad) continues to be the law of the land in matters not contradicting the above-mentioned changes.

Mexican legislators believe that as many as two million Mexicans lost their Mexican nationality by voluntarily adopting another one. To Mexicans in such conditions, the Mexican Congress offers remedial actions. If these Mexicans are in full legal standing (*se encuentran en pleno goce de sus derechos*), they can regain their Mexican nationality just by asking (*previa solicitud*) the Ministry of Foreign Relations (SRE) within the next five years, after these changes become law. The number of Mexicans who meet these conditions could be rather small, however, because, according to some experts, just a few people actually have explicitly renounced their Mexican nationality.