



THE POLITICAL RIGHTS OF MEXICAN MIGRANTS: NATIONALITY AND CITIZENSHIP IN MEXICO

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ABSTRACT. *This note explores the state of political rights of Mexicans living abroad. After multiple reforms to Mexican legislation, the political rights of Mexican migrants are still not fully protected. Absentee voting is the only political right Mexican migrants can exercise. The first reforms that granted Mexicans the possibility of retaining their nationality were the cornerstone for the following reforms on the implementation of absentee voting. It is important to understand explains the difference between citizenship and nationality in Mexican laws. The note gives a general overview of the lack of uniformity in the use of these two concepts in international practice. The note also invites us to reflect on the political rights mentioned in international instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the American Convention of Human Rights. The issue of the full implementation of active and passive political rights of Mexicans living abroad remains unsolved despite the reforms made to Mexican legislation.*

KEY WORDS: *Citizenship, nationality, political rights, absentee voting.*

RESUMEN. *Esta contribución trata de explicar los derechos políticos de los mexicanos residentes en el extranjero. Después de múltiples reformas a la legislación mexicana, los derechos políticos de los migrantes mexicanos aún no están completamente protegidos. El voto a distancia es el único derecho político que puede ser ejercido por los migrantes mexicanos. Al inicio este artículo trata el fenómeno migratorio mexicano, así como las razones y consecuencias de la reticencia de los migrantes mexicanos para adquirir una nacionalidad extranjera. Las primeras reformas que permitieron a los mexicanos conservar su nacionalidad mexicana fueron el pilar para las siguientes reformas que concluyeron con la implementación del voto a distancia. Posteriormente se explica la diferencia entre la*

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ciudadanía y la nacionalidad en las leyes mexicanas. Es necesario aclarar que el estatus de ser ciudadano en México confiere los derechos políticos. La autora proporciona una aproximación general a la falta de uniformidad en el uso de estos dos conceptos en la práctica internacional. Asimismo, nos invita a reflexionar haciendo referencia a los derechos políticos contemplados en los instrumentos internacionales como la Declaración Universal de los Derechos Humanos, la Convención Internacional de Derechos Civiles y Políticos, la Convención Internacional para la Protección de los Derechos de los Trabajadores Migrantes y sus Familias, así como la Convención Americana sobre Derechos Humanos. Posterior a esta aproximación, la pregunta sobre la implementación completa de derechos políticos activos y pasivos de los mexicanos residentes en el extranjero continúa aún abierta después de varias reformas a la legislación mexicana.

PALABRAS CLAVE: *Ciudadanía, nacionalidad, derechos políticos, voto a distancia.*

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I. INTRODUCTION

Mexico is the third largest emigration country in the world, after China and India.¹ With millions of migrants around the world² and the more than 22.8 Billion U.S. dollars in remittances³ they send back to Mexico, the phenom-

¹ See Facts and Figures, International Organization for Migrations, <http://www.iom.int/cms/en/sites/iom/home/about-migration/facts--figures-1.html> (Last visited March 25, 2011).

² At least in United States there were more than 30 million people, according to the U.S. Census Bureau. "Population growth between 2000 and 2010 varied by Hispanic group. The Mexican origin population increased by 54 percent and had the largest numeric change (11.2 million), growing from 20.6 million in 2000 to 31.8 million in 2010". Information taken from the Sharon R. Ennis, Merarys Ríos-Vargas & Nora G. Albert, *The Hispanic Population: 2010*, 2010 U.S. CENSUS BUREAU 2 (May 2011). Available at: <http://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf> (Last consulted March 25, 2011).

³ <http://www.banxico.org.mx/SieInternet/consultarDirectorioInternetAction.do?accion=consultarCuadroAnalitico&idCuadro=CA11§or=1&locale=es/>.

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