



Name of Country and Jurisdiction:

Federal District, México

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to the Federal District, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to the Federal District for an authority to grant a divorce/dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	GOVERNMENTAL REGISTRY	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Federal District	Civil Code for the Federal District (<i>Código Civil para el Distrito Federal</i> or the “Civil Code”)	Yes	Yes
Concubinage, registered	Federal District	Civil Code	Yes	Yes

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LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	GOVERNMENTAL REGISTRY	AVAILABLE TO SAME-SEX COUPLE?
Cohabitation Society, registered	Federal District	Cohabitation Society Law for the Federal District (Ley de Sociedad de Convivencia para el Distrito Federal or " <u>Cohabitation Society Law</u> ")	Yes	Yes



2. What are the requirements to be able to enter into the above relationships?

(i) If a geographic link is required:



FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	At least one party must be resident in the Federal District. Mexicans living overseas can marry at the Mexican consulate under Mexican law, as provided by the Mexican Foreign Service Law (<i>Ley del Servicio Exterior Mexicano</i>).
Concubinage	As a de facto union the parties shall be resident in the Federal District.
Cohabitation Society	The parties shall be resident in the Federal District. It is a union of two persons of the same or opposite sex that arises pursuant to the celebration of an agreement before the corresponding Delegation to the common address of the contracting parties.

(ii) If other substantive eligibility criteria must be satisfied:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Both parties: <ol style="list-style-type: none"> 1) Shall be single (monogamy). 2) Shall be of legal age, that is 18 years old. A waiver exists for parties who are 16 years old at least, and if the woman is pregnant, 14 years old. 3) Cannot be relatives by blood in the direct line in any degree and up to the third degree in the collateral line. 4) Cannot have a present or past affinity or civil relationship.

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Concubinage	<p>Both parties:</p> <ol style="list-style-type: none"> 1) Shall be single (monogamy) (not be married or live in concubinage with someone else) 2) Shall be of legal age. 3) Cannot be relatives by blood in the direct line in any degree and up to the third degree in the collateral line. 4) Cannot have a present or past affinity or civil relationship.
Cohabitation Society	<p>Both parties:</p> <ol style="list-style-type: none"> 1) Shall be single (monogamy) (not be married or live in concubinage with someone else) 2) Shall be of legal age. 3) Cannot be relatives by blood in the direct line in any degree and up to the fourth degree in the collateral line.



3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).



(a)	<p>Marriage shall be celebrated before a judge and registered in the Civil Registry of the Federal District.</p> <ul style="list-style-type: none"> • Concubinage is a de facto union in which a couple shall live in common constantly and permanently for at least two years. Such term is not mandatory if during their union they procreate. • Cohabitation Society is a union of two persons of the same or opposite sex for the purpose of establishing a common domicile, with a will of permanence and providing mutual aid (without necessarily having an affective relationship), created pursuant to an agreement entered before the corresponding Municipality (<i>Delegación</i>) where the common domicile will be established which will be the registration authority for all legal effects.
(b)	<p>Being married prevents a person to enter into concubinage, or create a cohabitation society and vice versa. In other words, marriage, concubinage and a cohabitation society cannot coexist.</p>

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(c)	<ul style="list-style-type: none"> • Both, marriage and concubinage, produce the following legal effects: (i) right to inherit by succession or by will; (ii) right to the social security system; (iii) right to receive allowance for maintenance; and (iv) possibility to adopt. • Regarding marriage, the parties must agree on a property marital regime, concerning the incorporation, administration and liquidation of assets contributed to or acquired during the marriage, under any of the following forms: (i) community property marital regime; or (ii) separation of property marital regime. • Cohabitation Society produces the following legal effects: (i) right to inherit by succession or by will; and (ii) right to receive allowance for maintenance.
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Q

4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

A

Marriage	Any existing marriage shall be dissolved in order to marry another person.
Concubinage	A concubinage relationship cannot exist if a marriage or concubinage relationship already exists.
Cohabitation Society	There cannot be cohabitation society if a marriage, concubinage relationship or another cohabitation society already exists.

Q

5. When a couple comes to the Federal District, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

A

Marriage	<ul style="list-style-type: none"> • If both are foreigners and got married overseas, and later they become residents of the Federal District, their marriage has full legal effect. • When the parties are Mexican, or one is Mexican and the other foreign, and they got married overseas, in order to have full legal effects the marriage shall be registered with the Civil Registry of the Federal District.
Concubinage	A foreign formed concubinage is recognized in the Federal District if: (i) the couple becomes resident thereat; and (ii) the requirements provided for in the Civil Code are complied with.
Cohabitation Society	A foreign formed cohabitation society can be recognized in the Federal District if it meets the requirements of the Cohabitation Society Law.

Q

6. How can each form of relationship be dissolved? What is the residency requirement or other link to the Federal District for an authority to grant a divorce/dissolution?

A

<p>Marriage</p>	<p>A) Marriage can be dissolved:</p> <ol style="list-style-type: none"> 1) By mutual consent: <ol style="list-style-type: none"> a) Administrative: When spouses agree on the dissolution, they have not procreated or their children are 18 years or older, and the community property marital regime has already been liquidated or if they got married with no community property regime. The divorce request shall be filed in the Civil Registry or before a notary public. b) Judicial process. There is mutual consent but the requirements for the administrative procedure are not fulfilled. It shall be filed before the Family Court. 2) Without cause: There are no grounds for divorce. Any of the spouses can file it before a competent family judge. <ol style="list-style-type: none"> a) The mutual consent administrative action for divorce is filed in the Civil Registry for the jurisdiction where the marital home was established. The mutual consent judicial process action for divorce is filed before a Family judge, for the jurisdiction where the marital home was established. b) The judicial uncaused divorce action shall be filed before a family judge for the jurisdiction where the marital home was established, in the absence of this, before the family judge of the jurisdiction where the defendant is domiciled.
<p>Concubinage</p>	<p>Concubinage shall terminate:</p> <ul style="list-style-type: none"> • By mutual consent. • Unjustified abandonment of the common domicile by either party.
<p>Cohabitation Society</p>	<p>Cohabitation Society shall terminate:</p> <ul style="list-style-type: none"> • By mutual consent. • Unjustified abandonment of the common domicile by either party, for more than three months without cause. <p>The registration authority should be informed of the termination.</p>

Relevant Information:

- Same sex marriage celebrated in this jurisdiction shall be recognized in all other jurisdictions of Mexico pursuant to article 121 of the Mexican Constitution.

Sources:

- Civil Code for the Distrito Federal (*Código Civil para el Distrito Federal*).
- Cohabitation Society Law for the Federal District (*Ley de Sociedad de Convivencia para el Distrito Federal*).
- Political Constitution of the United Mexican States (*Constitución Política de los Estados Unidos Mexicanos*).

