



Name of Country and Jurisdiction:

## State of Coahuila, 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 State of Coahuila, 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 State of Coahuila 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	State	Civil Code for the State of Coahuila ( <i>Código Civil para el Estado de Coahuila</i> or the "Civil Code")	Yes	No
Concubinage, not registered	State	Civil Code	No	No
Civil Solidarity Pact ( <i>Pacto Civil de Solidaridad</i> ), registered	State	Civil Code	Yes	Yes

**Q**

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

(i) If a geographic link is required:

**A**

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	At least one party must be resident in the State. 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 State.
Civil Solidarity Pact	The parties shall be resident in the State.

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

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Both parties: 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. 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.
Concubinage	Both parties: 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.
Civil Solidarity Pact	Both parties: 1) Shall be single (monogamy) (not be married or live in concubinage with someone else) 2) Shall be older than 18 years. 3) Cannot be relatives by blood in the direct line in any degree and up to the fourth degree in the collateral line.

**Q**

**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**

(a)	<p>Marriage shall be celebrated before the Official of the Civil Registry of the State and registered with the Civil Registry of the State.</p> <p>Concubinage is a de facto union in which a couple shall live in common constantly and permanently for at least three years. Such term is not mandatory if during their union they procreate.</p> <p>Civil Solidarity Pact is a union of two persons of the same or opposite sex for the purpose of organize their life in common, in which the parties have a duty of mutual assistance, consideration and respect. The Civil Solidarity Pact agreement shall be celebrated before the Official of the Civil Registry of the State and registered with the Civil Registry of the State.</p>
(b)	Being married prevents a person to enter into concubinage or to enter into a Civil Solidarity Pact and vice versa. In other words, marriage, concubinage and Civil Solidarity Pact cannot coexist.
(c)	Not Applicable.

**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.
Civil Solidarity Pact	There cannot be a civil solidarity pact if a marriage, concubinage relationship or another civil solidarity pact already exists.

Q

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

A

Marriage	<p>If both are opposite-sex foreigners and got married overseas, and later they become State residents, their marriage has full legal effect.</p> <p>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 State.</p> <p>As to the best of our knowledge, no antecedents exist in the jurisdiction regarding recognition of the legal effect and/or registration with the Civil Registry of the State of foreigners' same sex marriages celebrated overseas.</p>
Concubinage	<p>A foreign opposite-sex formed concubinage is recognized in the State if: (i) the couple becomes resident thereat, and (ii) the requirements provided for in the Civil Code are complied with.</p> <p>No registry is needed.</p>
Civil Solidarity Pact	<p>A foreign formed civil solidarity pact can be recognized in Coahuila if it meets the requirements of the Civil Code.</p>

Q

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

A

Marriage	<p>Marriage can be dissolved:</p> <ol style="list-style-type: none"> <li>1) By mutual consent:             <ol style="list-style-type: none"> <li>a) Administrative procedure.- 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.</li> <li>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.</li> </ol> </li> <li>1) Necessary: When there is no agreement between the parties. The divorce action shall be filed before the Family Court. The aggrieved party shall demonstrate one or more of the legal causes provided for by law.             <ul style="list-style-type: none"> <li>• The defendant shall be resident in the State where the suit has been filed. In some exceptional cases, the judge of the jurisdiction where the aggrieved party resides could also be competent.</li> </ul> </li> </ol>
Concubinage	<p>Concubinage shall terminate:</p> <ul style="list-style-type: none"> <li>• By mutual consent.</li> <li>• Unjustified abandonment of the common domicile by either party.</li> </ul>

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Civil Solidarity Pact	<p>Civil Solidarity Pact shall terminate:</p> <ul style="list-style-type: none"> <li>• By mutual consent.</li> <li>• By a unilateral act, by means of termination notice given judicially or through notary public.</li> </ul> <p>The registration authority should be informed of the termination.</p>
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**■ Relevant Information:**

- i) Same sex marriages might be allowed in this jurisdiction through final judgments in amparo proceedings. It is important to mention that amparo remedies (protection of constitutional rights) have no general effect; they only generate rights and bind the parties involved in the process. As consequence of a final judgment in an amparo proceeding, the Civil Registry of the State shall celebrate the same sex marriage of the parties to the amparo proceeding only. In such cases, the rights and obligations for marriages established in this document are applicable (excluding adoption since it is not considered a right that arises from marriage, although marriage is a requirement to adopt, generally).
- ii) Same sex marriage celebrated in any jurisdiction of Mexico (either through amparo proceedings or the law of that jurisdiction) shall be recognized in all other jurisdictions of Mexico pursuant to article 121 of the Mexican Constitution.

**■ Sources:**

- Civil Code for the State of Coahuila (*Código Civil para el Estado de Coahuila*).
- Political Constitution of the United Mexican States (*Constitución Política de los Estados Unidos Mexicanos*).