



Name of Country and Jurisdiction:  
**State of Colima, 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 Colima, 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 Colima 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 Colima ( <i>Código Civil para el Estado de Colima</i> or the "Civil Code") | Yes                   | No                            |

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| LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE             | GEOGRAPHY | LAW        | GOVERNMENTAL REGISTRY | AVAILABLE TO SAME-SEX COUPLE? |
|--|-----------|------------|-----------------------|-------------------------------|
| Concubinage, not registered                            | State     | Civil Code | No                    | No                            |
| Marital Union ( <i>Relación Conyugal</i> ), registered | State     | Civil Code | 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 and Marital Union | 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.  |

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

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

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

**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) | <ul style="list-style-type: none"> <li>• The Civil Code establishes two type of marital relationships: (i) marriage, that is the relationship entered between a man and a woman; and (ii) marital union, that is the relationship between two persons of same sex.</li> <li>• Marriage and marital union shall be celebrated before a judge and registered with the Civil Registry of the State.</li> <li>• Concubinage is a de facto union in which a couple shall live in common constantly and permanently for at least four years. Such term is not mandatory if during their union they procreate.</li> </ul> |
| (b) | Being married, in a marital union or concubinage prevents a person to enter into any other kind or permanent relationship. In other words, marriage, marital union and concubinage cannot coexist.   |
| (c) | Not applicable.  |

**Q**

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

**A**

|                            |   |
|----------------------------|---|
| Marriage and Marital Union | Any existing marriage or marital union shall be dissolved in order to marry another person or enter into a new marital union. |
| Concubinage                | A concubinage relationship cannot exist if a marriage, marital union or other concubinage relationship already exists.        |



Q

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

A

|               |  |
|---------------|--|
| Marriage      | <ul style="list-style-type: none"> <li>• If both are opposite-sex foreigners and got married overseas, and later they become State residents, their marriage has full legal effect.</li> <li>• When the parties are Mexican, or one is Mexican and the other foreign, and they got married overseas, in order to have full legal effect, the marriage and marital union shall be registered with the Civil Registry of the State.</li> </ul> |
| Marital Union | <p>If both are same-sex foreigners and got married overseas, and later they become State residents, their marriage should have full legal effect equal to marital union. Notwithstanding, because the nature of a marital union is unique to the state of Colima, it is unclear whether such recognition for foreigners' same sex marriages from other countries would be provided.</p>  |
| Concubinage   | <p>A foreign 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>  |

Q

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

A

|                            |   |
|----------------------------|---|
| Marriage and Marital Union | <p>Marriage and marital union 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>a) 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>2) 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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■ **Relevant Information:**

- i) Same sex marriages might be allowed in the 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.
- iii) Marital unions 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 State of Colima (*Código Civil para el Estado de Colima*).

Political Constitution of the United Mexican States (*Constitución Política de los Estados Unidos Mexicanos*).