



Name of Country and Jurisdiction:

State of Quintana Roo, 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 Quintana Roo, 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 Quintana Roo 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 Quintana Roo (<i>Código Civil para el Estado de Quintana Roo</i> or the “Civil Code”). Adoption Law for the State of Quintana Roo (<i>Ley de Adopción para el Estado de Quintana Roo</i> or the “Adoption Law”).	Yes	Yes
Concubinage, not registered	State	Civil Code. Adoption Law.	No	No

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

(i) If a geographic link is required:

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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.

(ii) 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.

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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.)

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(a)	<ul style="list-style-type: none"> • Marriage shall be celebrated before a judge and registered with the Civil Registry of the State. • 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.
(b)	Being married prevents a person to enter into a concubinage and vice versa. In other words, marriage and concubinage cannot coexist.
(c)	Not Applicable.

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

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.

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

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Marriage	<ul style="list-style-type: none"> • If both are foreigners and got married overseas, and later they become State residents, 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 State.
Concubinage	<ul style="list-style-type: none"> • 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. • No registry is needed.



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



<p>Marriage</p>	<p>Marriage can be dissolved:</p> <p>1) By mutual consent:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>Concubinage</p>	<p>Concubinage shall terminate:</p> <p>By mutual consent.</p> <p>Unjustified abandonment of the common domicile by either party.</p>

Relevant Information:

- i) 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 Quintana Roo (*Código Civil para el Estado de Quintana Roo*).
- Political Constitution of the United Mexican States (*Constitución Política de los Estados Unidos Mexicanos*).