

**Law Library Of Congress Global Legal Monitor: Immigration And
Nationality Law**

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The *Global Legal Monitor*, an electronic publication of the Law Library of Congress, is intended for those who have an interest in legal developments from around the world. Globalization is a fact with far-reaching implications including an increasing number of international transactions. The Immigration and Nationality law section has been excerpted for this Feature Article.

Immigration and Nationality Law

MEXICO -- Recommendation Regarding Undocumented Immigrants

On November 17, 2006, the President of the National Commission of Human Rights of Mexico, José Luis Soberanes Fernández, signed General Recommendation No. 13/2006 on the Practice of Verification of Illegal Immigrants. The General Recommendation was directed to

the Secretaries of the Interior, of National Defense, of the Navy, the Attorney General of the Republic, governors of all states in the Mexican Federation, and the head of the Federal District government. It states that these officials must give express instructions to the public servants in these entities and in the Federal Agency of Investigation to abstain from carrying out immigration verification practices outside of the law, against foreigners in the national territory and, in addition, to cease immediately all detentions derived from them, and to collaborate with Mexico's National Migration Institute (NMI) when required by law.

In background notes, Soberanes Fernández states that between January 2005 and September 2006, the National Commission of Human Rights processed dozens of complaints concerning illegal immigration verifications attributed to these authorities. Fifty cases alleging violations of the human rights of the undocumented immigrants were ordered to undergo conciliation with the NMI. Authorities against whom the charges were made accepted the solutions resulting from this process. The President of the Commission emphasized that undocumented immigrants are usually defenseless and prone to abuse and violations of human rights, especially in the case of women and children.

The General Recommendation cites several legal instruments that support it: the Political Constitution of Mexico (articles 1, 11, 14, and 16); the General Law of Population of Mexico (articles 7, 64, 151, and 156; and article 196 of its Regulation); the International Convention on Elimination of All Forms of Racial Discrimination; the United Nations Declaration on the same subject; Convention 111 of the International Labor Organization on Discrimination in Employment; the Convention on the Elimination of All Forms of Discrimination against Women; the International Pact of Civil and Political Rights; the American Convention on Human Rights; and the Convention on the Conditions of Foreigners; among others.

The General Recommendation indicates that the only authorities empowered by the laws of Mexico to exercise acts of immigration review towards foreigners in the country are the NMI and the Federal Preventive Police. No other federal, state, or municipal institution has the authority to carry out immigration verifications. (*Diario oficial de la federación*, Dec. 11, 2006, at 75-82; GLIN ID # 189311)
(Sandra A. Sawicki)



RUSSIA – New Rules for Employment of Foreigners

On January 15, 2007, the Regulation of the Russian Federation Government, aimed at implementing the provisions of newly passed amendments to Russian migration legislation that restrict labor activities of foreign individuals in Russia, entered into force. This regulation establishes a new procedure for the issuance of work permits for those individuals who are visiting Russia without a visa who are not subject to labor quotas applicable to foreigners. If such individuals want to work in Russia, they have to submit an employment application to a migration service agency with accompanying documents, including a proof of registration as a taxpayer and a certificate proving that they are HIV negative and have no drug addiction. A work permit will then be issued within ten days, provided the foreign individual is eighteen years of age or older. After receiving the permit, the foreigner is free to look for employment. If employment is not found within ninety days of arrival in the country, the foreigner must leave Russia. The only job-related restriction included in the government regulation is the prohibition on foreigners selling alcoholic beverages and medicines in the retail market. (Government Regulation No. 681, Rossiiskaia Gazeta (official newspaper of the Russian Government), Nov. 16, 2006.)

(Peter Roudik)

