

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF HOMELAND SECURITY  
OF THE UNITED STATES OF AMERICA  
AND  
THE SECRETARIAT OF GOVERNANCE AND THE  
SECRETARIAT OF FOREIGN AFFAIRS  
OF THE UNITED MEXICAN STATES,  
ON THE SAFE, ORDERLY, DIGNIFIED AND HUMANE  
REPATRIATION OF MEXICAN NATIONALS**

The Department of Homeland Security (DHS) of the United States of America (United States) and the Secretariat of Governance (SEGOB) and the Secretariat of Foreign Affairs (SRE) of the United Mexican States (Mexico) hereinafter referred to as "The Participating Agencies":

**CONSIDERING** that the governments of both countries have approached the topic of migration at the highest level, and that the Joint Declaration "*Towards a Partnership for Prosperity: The Guanajuato Proposal*" addresses this issue as a matter of cooperation and shared responsibility; and

**RECOGNIZING** the need to regulate the flow of persons, particularly on our common border, as was sanctioned in the *Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border*, in the Plan of Action for Cooperation on

Border Safety of June 22, 2001, and in the *U.S.-Mexico Action Plan of Border Partnership*; and

**RECOGNIZING** the firm commitments of both governments to protect the human rights of migrants regardless of their migratory status; as well as

**CONSIDERING** that on May 6, 1997, the Presidents of both countries signed a Joint Statement in which they expressed the commitment of their governments to ensure the implementation of safe and orderly procedures for repatriating Mexican migrants; and

**CONSIDERING** that the Working Group on Migration and Consular Affairs of the Mexico-USA Binational Commission agreed, in 1997, to a means of developing improved procedures for repatriating Mexican nationals in a safe, dignified and orderly way that recognizes their human rights. This Working Group has strengthened the mutual collaboration in the subsequent sessions on those matters; and

**CONSIDERING** that between 1997 and 1999 migration and consular authorities of both countries established procedures for the orderly and safe repatriation of Mexican nationals, including specific points regarding schedules, places and procedures along the border and in the interior of the United States; and

**BEARING IN MIND** the provisions of the Vienna Convention on Consular Relations of April 24, 1963; the Consular Convention between the United Mexican States and the United States of America of August 12, 1942; the Memorandum of Understanding concerning Consular Protection of U.S. and Mexican Nationals of May 7, 1996; and the Memorandum of Understanding on Consultation Mechanisms of the Immigration and Naturalization Service Functions and Consular Protection of June 11, 1998; and

**DESIRING** to establish a general frame of reference setting forth specific comprehensive and coordinated bilateral actions and transparent procedures for the safe and orderly repatriation of Mexican nationals,

Have reached the following understandings regarding criteria and principles to be used as a general framework for repatriation of Mexican nationals:

### Article 1

- a. This Memorandum of Understanding establishes basic criteria and principles that reaffirm and enhance local procedures of the Participating Agencies for the repatriation of Mexican nationals from the interior, ports of entry and at the border of the United States and Mexico.
- b. In order to ensure efficiency in the implementation of arrangements for repatriation and to agree on whatever individual and joint measures are necessary to improve their effectiveness, the principles set forth in this Memorandum of Understanding should be evaluated by the appropriate officials of the Participating Agencies at least annually or at any mutually acceptable time.
- c. The Participating Agencies, through this Memorandum of Understanding, establish the U.S. - Mexico Repatriation Technical Working Group, comprised of

appropriate officials of both governments. This group will recommend, evaluate and oversee the implementation of this Memorandum of Understanding.

## Article 2

- a. With the aim of enhancing the utility of this Memorandum of Understanding at the border between both countries, ports of entry and in the interior of the United States, the Participating Agencies should support, through their appropriate immigration and consular authorities within their respective areas of responsibility, local repatriation procedures. Authorities of both Participating Agencies, in collaboration with other government entities as appropriate, will work to reaffirm and enhance the consultation mechanisms between Mexican Consulates and DHS officials in the interior of the United States and at ports of entry, as well as the current Border Liaison Mechanisms (BLMs).
- b. Established local repatriation arrangements should be reaffirmed and enhanced by appropriate authorities of the Participating Agencies in accordance with the criteria set forth in Article 3, at the border, ports of entry and in the interior of the United States through the appropriate mechanisms.

## Article 3

Local repatriation arrangements should conform to mutually established criteria and principles for the repatriation of Mexican nationals being repatriated from the United States to Mexico. Local repatriation arrangements will be reviewed and updated in consultation with the Repatriation Technical Working Group on an annual basis. The local repatriation arrangements should include the following criteria and principles:

- a) Repatriations should be conducted in a manner consistent with the respect of human rights and dignity of Mexican nationals found in the United States in violation of immigration law;
- b) Notification of the titles of authorities that are empowered to deliver or receive Mexican nationals into Mexico;
- c) Points of repatriation are to be established in a manner consistent with scheduled hours of operation and staffing availability. Every effort should be taken by Mexico to ensure that mutually designated points of reception are fully staffed with appropriate local, state and/or federal entities responsible for the health, welfare and safety of Mexican nationals;
- d) Identification of points of contact to receive and/or convey information about incidents involving reported mistreatment or potential human rights concerns;
- e) The unity of families should be preserved during repatriation, taking into consideration administrative parameters;
- f) Incapacitated persons, unaccompanied minors and other vulnerable individuals should be repatriated during daylight hours to ensure their safety. The Mexican Participating Agencies should make every effort

to have the appropriate family welfare representatives receive such persons upon repatriation from the United States;

- g) Appropriate representatives of the Participating Agencies should address issues of mutual concern such as consular notification and access to consular assistance;
- h) Notification of repatriation should be done taking into consideration logistical and operational needs. Local arrangements should address routine notification at the border;
- i) Timely special notification and information should be provided by DHS authorities for cases where additional preparation will be required to receive an unaccompanied minor or an individual with medical, mental or other special needs.

#### Article 4

If a Mexican national who is in the process of being repatriated or who has been repatriated to Mexico reports to DHS, SRE or SEGOB an incident that may involve mistreatment or potential human rights concerns, the report should immediately be referred to the appropriate authorities for investigation and follow-up.

#### Article 5

Participating Agencies should explore, on a bilateral basis, mechanisms to carry out the repatriation of Mexican nationals to their place of origin, especially from high-risk zones in the United States and during the summer season to avoid injury and loss of life among migrants.

#### Article 6

Participating Agencies should explore, on a bilateral basis, the dynamics of the movement of third country nationals through Mexico and the United States, considering their migratory status, and eventual repatriation mechanisms.

#### Article 7

This Memorandum of Understanding and local repatriation arrangements do not affect the rights, obligations and responsibilities of the United States and Mexico and of their nationals, and are without prejudice to any rights afforded to Mexican nationals in the United States.

#### Article 8

Any matters concerning the application or interpretation of this Memorandum of Understanding should be settled through consultation between the Participating Agencies, as described in Article 1 (b).

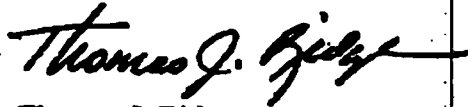
**Article 9**

This Memorandum of Understanding becomes applicable as of the day of its signature. Any Participating Agency may discontinue its involvement in activities under this Memorandum of Understanding at any time and should provide sixty (60) days notice of its intent to discontinue. This Memorandum of Understanding may be modified by the Participating Agencies in writing.

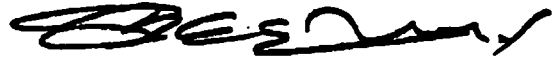
Signed in Mexico City on February 20, 2004, in three originals in the English and Spanish languages.

**FOR THE DEPARTMENT OF  
HOMELAND SECURITY OF THE  
UNITED STATES OF AMERICA:**

**FOR THE SECRETARIAT OF  
GOVERNANCE OF THE  
UNITED MEXICAN STATES:**

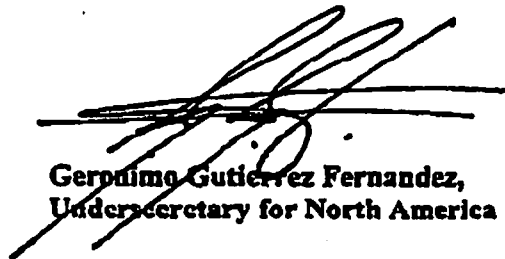


**Thomas J. Ridge,  
Secretary**



**Santiago Creel Miranda,  
Secretary**

**FOR THE SECRETARIAT OF  
FOREIGN AFFAIRS OF THE  
UNITED MEXICAN STATES:**



**Gerónimo Gutierrez Fernandez,  
Undersecretary for North America**