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## Social Services Attorneys' Winter Conference

**Service of Process:**  
**North Carolina's Memorandum of  
Agreement with Mexico**

February 19, 2015



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### Demographics

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**Mexicans in the U.S.**


There were 33.7 million Hispanics of Mexican origin in 2012 living in the U.S. (11.4 million immigrants born in Mexico and 22.3 million Hispanics born in the U.S. with Hispanic or Mexican origin)

Source: Pew Hispanic Research Center


**Mexicans in North Carolina**

In 2013, there were approximately 400,000 Mexican-born in North Carolina and 120,000 in South Carolina.

Source: Migration Policy Institute



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### Consulate General's Role Background


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The Consulate General of Mexico in Raleigh opened in **November of 2000**. Its circumscription is North and South Carolina.

Objective: Attention to Mexican citizens living abroad, linkage with Mexico, integration into the receiving societies.

**Main areas:**

- Documentation
- Consular Protection and Legal Affairs
- Community Programs





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### Documentation for Mexicans

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**Consular ID or *matricula consular***

- To establish accurate identification and proof of nationality, and
- To help the bearer pursue business transactions and in the process of assimilation.

**Mexican Passport**

- The Mexican passport is a travel document and official identification.
- It is the most accepted document to identify the holder.






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**Legal Protection for  
Mexicans**

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- Program of Legal Assistance (P.A.L.E.) – 9 Firms
- Assistance to Mexicans that are hospitalized
- Assistance to Mexicans detained in counties jails and state or federal prisons
- Shipment of remains to Mexico
- Children's (Mexican minors) repatriations
- Location of Mexicans in the U.S.



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**Community Programs**

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- Education: IME Scholarship Programs, *Plazas Comunitarias*, Book Donations, Online Programs
- Community and Economic Issues: Financial Literacy Week, Affordable Housing in Mexico, Productive projects 3x1 for Migrants
- *Ventanilla de Salud* (Health Window): Pre-emptive health, low cost health clinics , Binational Health Week
- Cultural Events



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**Legal framework** for consular assistance in cases involving children:

- Vienna Convention on Consular Relations (VCCR)
- Consular Convention between Mexico and the United States
- Memoranda of Understanding (MOUs)



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**Three Key Definitions:**

**Mexican** = any person who is a national of Mexico, regardless of immigration status in the U.S.

**Mexican Minor** = any unmarried person under the age of 18, and is not a U.S. citizen.


\* Notification should occur for any minor reported to have been born in Mexico

**Mexican American Minor** = any unmarried person under the age of 18, born in the U.S., and eligible for Mexican nationality as the biological minor of a Mexican national




## National System for Integral Family Development (DIF)



- Institution in Mexico charged with ensuring the welfare of minors

## Duties of Counties\*

- Inquire about and determine Mexican parentage
- Notification
- Provide information
- Allow Consular representative to interview child unless prohibited by court order
- Cooperate

\*With assistance from the NC Division of Social Services

## Duties of the Consulate General:


- Provide information
- Protect confidentiality
- Interview children
- Cooperate
- Assist with Special Immigrant Juvenile Status
- Assist with obtaining birth certificates
- Pursue cooperation with DIF
- Help facilitate subpoenas




## Cooperation

The Consulate General and the NC Division will work together:

- Location of family members
- Obtain evidence and documentation
- Return minors to Mexico when appropriate
- Location of Mexican parents to facilitate Service of Process (actual service must follow Hague Convention)
- Make local services accessible
- Joint participation in community outreach activities



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**Rationale behind  
Consular Assistance**

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- Approximately 5.5 million children in the U.S. live in mixed-status families of all nationalities; 4.5 million of those children are U.S. citizens.
- In 2012 alone, one or both parents of 152,426 U.S. citizen children were deported. Since 1998, more than 660,000 children have been affected by such deportations.
- In 2011, at least 5,100 children whose parents were detained or deported were in the custody of child welfare authorities.
- A 2013, a survey of 203 women migrants in the U.S.-Mexico border found that over a fourth had children residing in the U.S. and that reunification was the main factor motivating the mothers to return.
- In 2010, the Mexican census reported 597,000 U.S.-born children living in Mexico.



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**U.S. policy on  
dual nationals**

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“...allowing consular assistance will be particularly important in cases involving children, including those with two nationalities, who have no relatives in the United States.” (US Department of State Consular Notification and Access Manual p. 14)

“Who is responsible for notifying consular officers of appointments of guardians?

Notification should be made by probate or family court officials or by any other appropriate official involved in the guardianship process. In cases involving abuse, neglect, or abandonment of children, this may be the agency or entity acting to protect the child. (Idem p. 16)




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**Mexico's  
Central Authority**

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General website:	<a href="http://www.sre.gob.mx/en/">http://www.sre.gob.mx/en/</a>
Contact person:	Bertha Sánchez-Miranda (ext. 5241)
Languages spoken by staff:	Spanish



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**United States'  
Central Authority**

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Languages spoken by staff:	English



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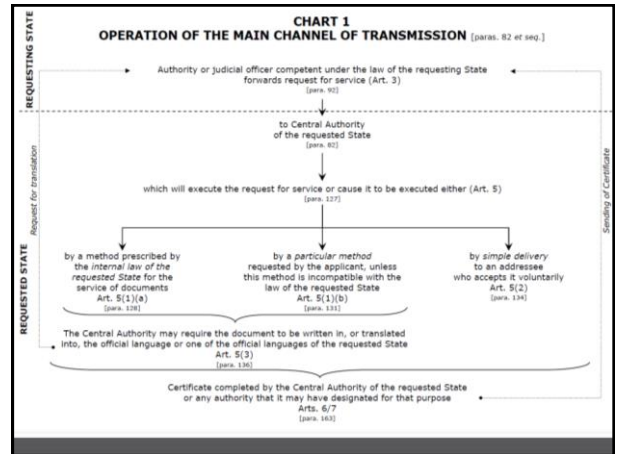



**Contractor for  
Process Forwarding**

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**Forms to Fill Out  
Service of Process**


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REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS PURSUANT TO THE ADDITIONAL PROTOCOL TO THE INTER-AMERICAN CONVENTION ON LETTERS ROGATORY:


<http://www.usmarshals.gov/process/usm272.pdf>

REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS. CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS

<http://www.usmarshals.gov/forms/usm94.pdf>





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**What can Consulates do  
in cases involving children?**

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- a) Assist in locating relatives. Foster communication between parent/child;
- b) Request home studies and forward to appropriate authorities;
- c) Assist in obtaining birth certificates, and
- d) Travel assistance / issuance of documents for minors to be repatriated.



**Main Challenges**

- No central location information
- Engaging parents in remote locations
- Time for home studies to be completed and translation of documents
- Documents for children who have not been registered or when the whereabouts of one parent are unknown