INM employer registration: the Institute is now verifying at the workplace



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Every company that hires, or wants to hire, foreign personnel in Mexico needs an employer registration certificate (constancia de inscripción de empleador) from the National Migration Institute (INM). Many HR departments treat it as a desk formality and renew it without much attention. In the renewals we have handled in recent weeks, the INM has been visiting workplaces to verify the information provided and to check that no foreign workers are employed irregularly. It deserves to be taken seriously.

What it is and who needs it

The employer registration certificate is the record through which the INM recognizes an individual or entity as an employer of foreign personnel. The Regulations of the Migration Law (Article 166) require it before hiring a foreign national or issuing a job offer that allows the person to obtain a visa and residence with work authorization. Without it, the company cannot sponsor those applications. It is needed both by companies bringing talent from abroad and by those hiring foreign nationals who already live in Mexico.

What must be shown

To obtain it, the company proves its legal existence and actual operation: articles of incorporation and powers of attorney, the legal representative's ID, recent proof of address, tax registration and evidence of filing its latest annual tax return. In practice, INM offices also ask for additional documents, such as a list of employees by nationality or social security compliance records, and may verify on site that the company actually operates at that address.

When it must be updated

The certificate must be updated every year, once the annual tax return has been filed, and whenever the address, legal representative, company name or corporate purpose changes. Changes of address and representative must be reported to the INM within 30 calendar days. If the certificate is not up to date, the INM holds up the applications of the company's foreign workers, from new job offers to residence renewals, and the problem ends up affecting those individuals' immigration status.

What we are seeing: workplace verification

The Migration Law (Article 92) empowers the INM to carry out verification visits, among other purposes, to confirm the accuracy of the information provided in an application. That is what is happening with certificate updates: INM

officers go to the registered address, walk through the premises, request corporate, tax and labor documents, and confirm the presence and immigration status of foreign workers. A discrepancy between what was stated and what is found can prevent the application from being completed, and the presence of a foreign national without work authorization opens another front, for the individual and for the company.

Risks and penalties

The Migration Law does not provide a specific fine for lacking the certificate, but the consequences are different and usually more costly: the INM may deny or suspend applications and, in serious or repeated cases, cancel the certificate; a foreign worker without the proper immigration status may be penalized and, where applicable, detained by the authority; withholding a worker's immigration documents is subject to fines of 1,000 to 10,000 times the minimum wage (Article 147); and the Federal Labor Law requires at least 90% of workers to be Mexican (Article 7), with fines of 50 to 5,000 UMAs for non-compliance.

How to prepare

- Confirm that the certificate is current and has been updated after the latest annual tax return.
- Register every address where foreign workers work and report changes on time.
- Have at least two legal representatives registered and available to attend a visit.
- Check that each foreign worker has an immigration status with current work authorization.
- Keep corporate, tax, social security and immigration files organized and consistent, because the visit compares them.

This note is for information only and does not constitute legal advice.

Let's talk

We can assess the impact on your company and the options available.

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