APIS and Immigration Control: Towards Strengthening Mexico's Immigration Policy.

By Arturo Fragoso

COELUM

sierra
L A T A M

PRONUNCIATION:
'che-l&m, is Latin for airspace or sky. The Romans began questioning the rights they had in the space above the land they owned and how high above them those rights would extend. They decided on, Ad coelum et ad inferos, meaning that their property rights would extend as high up as the heavens and all the way down to hell.

APIS and Immigration Control:
Towards Strengthening Mexico's Immigration Policy.

By Arturo Fragoso

In recent years, the number of air passengers has increased drastically and at an accelerated pace across the world. This growth spans a wide range of travel purposes, from business and tourism to migratory movements that rely on the advantages of air transport to achieve their objectives. As a result, airlines and border control agencies have faced a significantly heavier workload, which in many cases exceeds their current regulatory and human resource capacities. This situation poses considerable challenges to the effective and orderly execution of immigration and security control processes.

Promoted by various United Nations Security Council Resolutions and the regulatory framework established by the International Civil Aviation Organization (ICAO) and the International Air Transport Association (IATA), in particular, Standard 9.5 of Annex 9 to the Convention on International Civil Aviation (Chicago Convention) and the Guidelines on Advance Passenger Information (API), respectively, Mexico, like many other Contracting States, has adopted and implemented the Advance Passenger Information System (APIS) as part of its immigration control strategy and its broader efforts to monitor and mitigate the movement of individuals into and out of its national territory. APIS requires aircraft operators to collect biographic information and flight details of passengers and crew members prior to departure. This data is then electronically transmitted to the competent border control authorities in the destination or departure State, enabling the relevant agencies to receive and process the information in advance of the flight's arrival or departure.

"APIS enables border control authorities to access information that would otherwise only become available upon a passenger's physical arrival and presentation at an immigration inspection point."

General Guidelines and Regulatory Framework

In general, the APIS enables border control authorities to access information that would otherwise only become available upon a passenger's physical arrival and presentation at an immigration inspection point. In accordance with Standard 9.6 of Annex 9 to the Chicago Convention[1], the implementation of APIS must be supported by an appropriate legal framework and remain consistent with internationally recognized standards.

Pursuant to the provisions of the Mexican Migration Law, specifically Articles 20, section II, and 81, the National Institute of Migration *(Instituto Nacional de Migración, INM)* is vested with the authority to carry out immigration control activities. These include the verification of documentation presented by individuals seeking to enter or exit the national territory, as well as the inspection of the means of transport used for such purposes.

Furthermore, in accordance with Article 46 of the Migration Law and Articles 42, section I, 43, 44, and 47, section I of its Regulations, commercial air carriers, as well as private aircraft engaged in the international transportation of passengers, are legally required to verify and electronically transmit to the INM the data necessary to identify each passenger and crew member. This includes information from their passports or travel and identity documents, details of the aircraft used, the point of origin and destination, as well as the dates and times of arrival and departure.

Accordingly, Mexico has designated the INM as the authority responsible for overseeing the operation and monitoring of APIS. This is carried out through the use of a standardized electronic message commonly known as the "UN/EDIFACT PAXLST[2]". These rules establish a set of internationally agreed standards, directories, and guidelines for the electronic exchange of structured data. The World Customs Organization (WCO), the International Air Transport Association (IATA), and the International Civil Aviation Organization (ICAO) have jointly defined the maximum set of Advance Passenger Information (API) data elements that should be incorporated into the PAXLST message, to be used by aircraft operators for the electronic transmission of such data to the competent border control authorities in the country of departure or arrival[3].

1.- At https://www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09_cons.pdf.
2.- Specifically developed as a subset of the United Nations rules for Electronic Data Interchange for Administration, Commerce and Transport, and adopted by the International Organization for Standardization (ISO) as Standard ISO 9735.
3.- GUIDELINES ON ADVANCE PASSENGER INFORMATION (API), at https://www.icao.int/Security/FAL/Documents/1.API%20Guidelines%202013%20Main_%20Text_E.pdf

Thus, the obligation to transmit API in accordance with the current APIS Guidelines, published in the Federal Official Gazette (Diario Oficial de la Federación, DOF) on November 8, 2012[4], applies to regular and non-regular international air passenger transport service providers; operators of private aircraft; operators of government; and, air transport companies conducting cargo and charter flights, in accordance to the following UN/EDIFACT PAXLST exchange standard:

- *Information related to passengers and crew members (at least):*

  a. *First name(s);*
  b. *Last name(s);*
  c. *Current nationality;*
  d. *Date of birth;*
  e. *Sex;*
  f. *Type of traveler (passenger, crew member, in transit);*
  g. *Country of birth;*
  h. *Place/airport of origin;*
  i. *Place/airport of departure authorization by the border control agencies;*
  j. *Place/airport of final destination;*
  k. *Assigned seat, if available;*
  l. *Number of checked bags;*
  m. *Visa number, if required; and*
  n. *Date of visa issuance, if available.*

- *Information related to identity and travel document (at least):*

  a. *Type of document;*
  b. *Document number;*
  c. *Country of issue;*
  d. *Date of issue; and*
  e. *Expiration date.*

- *Information about the flights (at least):*

  a. *IATA code of the airline in the case of scheduled international air transportation services companies;*
  b. *Flight number in the case of scheduled international air transport service companies;*
  c. *Place/airport of departure;*
  d. *Scheduled date and time of departure;*
  e. *Place/airport of initial arrival to national territory;*
  f. *Scheduled date and time of initial arrival to national territory;*
  g. *Place/airport of final destination of the flight;*
  h. *Subsequent airports within the national territory;*
  i. *Number of passengers; and*
  j. *Number of crew members.*

  The information must be transmitted according to the following deadlines:

  a. In case of arrival to national territory, within 30 minutes prior to the take-off of the aircraft bound for Mexico and shall send a confirmation list of passengers on board, once the aircraft has closed its doors and before take-off.

  In case of flights with a transfer time of less than one hour, shall transmit the information once the aircraft has closed its doors and before takeoff.

  b. In the case of departures from the national territory, 30 minutes prior to the aircraft's take-off and

shall send a confirmation list of passengers on board, once the aircraft has closed its doors and before take-off.

In this context, published in the DOF on May 20 and effective as of September 17, 2025[5], driven by the evolving circumstances surrounding international mobility, with the aim of streamlining the entry process and to enable the timely identification of potential risks to the safety of individuals entering or departing the national territory, it was deemed necessary to adjust the timelines within which air carriers must transmit passenger information. The revised requirements are as follows:

a. In the case of arrivals into national territory, the required information must be transmitted within the two hours prior to the aircraft's departure for Mexico. In addition, a confirmation list of passengers on board must be sent once the aircraft doors have been closed, immediately prior to take-off.

"…"

b. In the case of departures from national territory, the information must likewise be transmitted two hours prior to the aircraft's scheduled departure. A second transmission, consisting of a confirmation list of passengers on board, must also be submitted once the aircraft doors have been closed, immediately prior to take-off.

Thus, it can be observed that the timeframe for the initial transmission of information has been extended from thirty minutes to two hours prior to departure, followed by a single confirmation of passengers on board, to be submitted once the aircraft doors have been closed and immediately prior to take-off.

"While migration is not an isolated or regional phenomenon but rather a global and interconnected process characterized by rapid and large-scale growth, Mexico faces an additional challenge in addressing all four dimensions of this phenomenon: origin, transit, destination, and return of migrants."

Extent and Key Challenges

While migration is not an isolated or regional phenomenon but rather a global and interconnected process characterized by rapid and large-scale growth, Mexico faces an additional challenge in addressing all four dimensions of this phenomenon: origin, transit, destination, and return of migrants. In this regard, Mexico has been developing a migration policy grounded in the respect for human rights, placing the migrant individual at its core and emphasizing social and economic development as the foundation of human mobility[6]. Within the context of immigration control in international air passenger transport, the inspection of passengers and their documentation not only represents the initial step to ensure orderly and secure procedures but also serves as a fundamental pillar in migration and security matters. This process is essential for monitoring, regulating, and, where applicable, managing the movement, return, and entry of passengers into the national territory.

As the migration phenomenon continues to grow and evolve, the need and demand for effective control by immigration authorities correspondingly increase. However, the human, material, and financial resources allocated to this task remain scarce and limited. Several valuable opportunities thus arise to enhance the effectiveness of immigration control. These include improvements in infrastructure and information technology, increased cooperation among border control agencies both domestically and internationally, as well as strengthened collaboration between border control authorities and carriers.

Alongside undeniable regulatory improvements, it is essential to develop technological infrastructure that enables all regional offices of the INM to receive information in a decentralized and comprehensive manner. This would facilitate the issuance of

5.- ACUERDO por el que se reforma el artículo 7 del diverso por el que se emiten los Lineamientos generales para la transmisión de listas electrónicas de pasajeros, tripulantes y medios de transporte al Instituto Nacional de Migración, at https://dof.gob.mx/nota_detalle.php?codigo=5757619&fecha=20/05/2025#gsc.tab=0.
6.-Plan Nacional de Desarrollo, at https://www.gob.mx/cms/uploads/attachment/file/981072/PND_2025-2030_v250226_14.pdf

alerts and the monitoring of passenger entry and exit from national territory. The development of physical infrastructure, concurrently with the technological advancements, is likewise indispensable to effectively exercise immigration control at each of the country's international stations and airports. Currently, immigration services are provided only upon entry into the national territory, and not upon departure. The absence of exit controls represents a critical vulnerability, limiting authorities' capacity to monitor departures, prevent irregular migration, and support international cooperation on security and migration management. Expanding control to departures would undoubtedly strengthen not only the existing mechanisms and processes but also international cooperation with other immigration control agencies and air carriers operating between countries.

"Alongside undeniable regulatory improvements, it is essential to develop technological infrastructure that enables all regional offices of the INM to receive information in a decentralized and comprehensive manner."

Air carriers have consistently maintained ongoing dialogue and collaborative working groups with immigration authorities. However, the information accessible to the authorities presupposes enhanced verification control over the international transit of passengers, which may only be supported to the extent that the relevant processes and mechanisms are improved through greater infrastructure and coordination among the various stakeholders. It is also important to emphasize that, in a highly regulated industry such as the aviation sector, the handling of personal data plays a critical role. Regulatory frameworks worldwide have become increasingly stringent and subject to close oversight. Consequently, coordination and strategic planning between authorities and operators are essential for the development of a sustainable and effective migration policy, considering the challenges and scope that such a policy may entail.

Further challenges are encountered in the daily execution of operational activities. There is a notable lack of uniformity in the application of immigration control criteria between central administrative offices and local representations. Such inconsistency may result in discrepancies in the enforcement of regulations and procedures, thereby undermining the overall effectiveness and reliability of migration management across jurisdictions. A critical challenge lies in the insufficient distribution and exchange of passenger data with border control agencies responsible for the actual processing of entries and exits. This information gap impedes timely decision-making, risk assessment, and coordinated responses, ultimately diminishing the efficacy of border security and migration control operations. Finally, many airports suffer from inadequate physical infrastructure and a lack of dedicated facilities to properly attend to passengers and migrants. This deficiency negatively impacts the quality, efficiency, and respect for human rights in immigration services, thereby complicating efforts to manage migration flows in an orderly and dignified manner.

Conclusion

In summary, the effective regulation of international air passenger movement requires a coordinated, well-equipped, and technologically sophisticated immigration control system. Although advances in regulatory frameworks and the adoption of international standards such as APIS form a vital foundation, it is imperative to address ongoing operational challenges, including the harmonization of enforcement criteria, timely and comprehensive data exchange, implementation of departure controls, and enhancement of infrastructure. Mexico's dedication to upholding human rights and fostering collaboration between authorities and industry stakeholders will be crucial in developing a migration control system that is both sustainable and efficient. These measures will not only strengthen national security but also facilitate legitimate travel while ensuring the respectful and dignified treatment of all individuals.

COELUM

ARTURO FRAGOSO
ASSOCIATE

Arturo is an associate in the Regulatory area. With over 5 years of experience advising on regulatory and compliance aspects of aviation law, he specializes in representing the interests of international air carriers in Mexico. He liaises with relevant regulatory and airport entities in Mexico to ensure safe operations and provide top-tier legal services to reputable air carriers and related companies. In addition to his focus on aviation law, Arturo offers comprehensive legal guidance to Mexican and foreign entities across various aspects of corporate law. This includes assisting with the necessary steps for conducting business in Mexico and ensuring compliance with all corporate and tax requirements. His practice encompasses aviation industry matters, airport law, labour law, and corporate law, all geared towards providing clients with precise, effective legal solutions.

Education

- Attorney at law by Instituto Tecnológico de Estudios Superiores de Monterrey in Mexico City.
- Undergraduate studies abroad in International Public Law and Commercial Law in Monash University, in Melbourne, Australia

Memberships

- Member of the Mexican Contact Group for the Aviation Working Group

Publications

- Arturo has authored numerous articles focusing on the regulatory aspects of aircraft and airline operations, as well as other pertinent topics concerning Mexico's legislation, in COELUM and TERRUM

Languages

- English
- Spanish

sierra
L A T A M

Prol. Reforma No. 1190 25th Floor,
Santa Fe México D.F. 05349
t. (52.55) 52.92.78.14
www.asyv.com / www.asyv.aero

Find us in

Audio Message

www.linkedin.com/company/asyv