

Mexico Rewrites the Amparo Proceeding, Its Most Common Constitutional Shield.

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On October 16, 2025, Mexico enacted its most significant amparo reform in over a decade, modifying numerous articles of the Amparo Law alongside provisions of the Federal Tax Code and the Organic Law of the Federal Court of Administrative Justice. Presented to the Senate in September by President Claudia Sheinbaum's administration and fast-tracked through both chambers, the reform was approved by the Chamber of Deputies with 345 votes in favor and 131 against on October 14¹, published in the Official Gazette (DOF) on October 16, and entered into force on October 17, 2025.

The government defends the need to "perfect the amparo proceeding" – **a federal constitutional remedy rooted in Articles 103 and 107 of the Mexican Constitution, which functions as a hybrid of habeas corpus and constitutional complaint, allowing persons with standing to obtain individualized relief against rights-violating laws, acts, or omissions, without generally annulling norms** – to make it faster and more effective, curbing perceived abuse. Officials cite amparo's use to obstruct policies or evade duties (notably by major tax debtors and financial-crime suspects). The opposition voted against it and will seek constitutional challenges, calling the reform "unnecessary and dangerous."² Bottom line: operational gains, but a harder path to access and provisional relief.

Legitimate Interest: Elevating the Evidentiary Standard

Since the 2011 constitutional reform, the amparo proceeding has been available not only to those proving "legal interest," direct impairment of a subjective right, but also to those demonstrating "legitimate interest," covering personal, real, and differentiated harm even when it doesn't fit classic standing. The Supreme Court developed expansive jurisprudence interpreting this concept broadly to maximize human rights protection.

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The 2025 reform redefines Articles 5 and 107, now requiring petitioners claiming legitimate interest to demonstrate a "real legal injury distinct from that of the general population" and that granting amparo would produce a "certain, not merely hypothetical benefit."³ This definition elevates the prior standard: previously it sufficed to demonstrate a special and legally relevant interest in the matter.

Government reform proponents affirm the new definition clarifies and legitimizes participation even of collectively affected groups, recognizing individual or collective injuries without requiring harm to be "actual" in all cases; the word "actual" was removed in last-minute adjustments.⁴ However, legal experts and civil-society organizations fear amparo's procedural availability will narrow. They note that requiring direct injury would exclude standing for associations or Non-Governmental Organizations defending collective interests like environment, transparency, or vulnerable-group rights.⁵ For example, an environmental organization could no longer file amparo based solely on its social purpose; it would need to prove concrete, personal harm, difficult when organizations act on behalf of communities rather than for individual damage. Critics argue

1.- <https://comunicacionsocial.diputados.gob.mx/index.php/boletines/con-345-votos-a-favor-y-131-en-contra-la-camara-de-diputados-aprobo-en-lo-general-reformas-a-la-ley-de-amparo>

2.- <https://elpais.com/mexico/2025-10-02/los-grupos-criticos-a-la-nueva-ley-de-amparo-en-mexico-es-una-reforma-pro-autoridad>

3.- Article 5, Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos, Cámara de Diputados. (as amended on October 16, 2025) https://www.diputados.gob.mx/LeyesBiblio/ref/lamp/Lamp_ref10_16oct25.pdf

4.- <https://mexico.justia.com/blog/reforma-a-la-ley-de-amparo-que-son-los-cambios-propuestos/>

5.- <https://elpais.com/mexico/2025-10-02/los-grupos-criticos-a-la-nueva-ley-de-amparo-en-mexico-es-una-reforma-pro-autoridad>

this contradicts progressive realization of human rights and potentially violates Mexico's obligations under international treaties like the Escazú Agreement, which requires facilitating access to environmental justice.⁶

The real scope will depend on how judges interpret the "real and differentiated injury" requirement. The doctrinal tension is evident towards the 2011 constitutional reform aimed at "maximizing human-rights protection." The statutory narrowing appears to restrict what the Constitution broadened, a conflict courts must resolve, likely generating constitutional challenges.

Suspension: Mandatory Balancing and Critical Restrictions

Suspension is the provisional measure that temporarily halts execution of challenged government acts to prevent irreparable harm. It serves as amparo's "shield," ensuring future legal victories aren't rendered useless because damage already occurred. The reform significantly restricts suspension, establishing new grounds of inadmissibility in sensitive matters.

New Article 128 requires judges to weigh and justify four elements: (1) existence or imminence of the act, (2) evidentiary "suspensional interest" - a preliminary showing of harm, (3) balancing of measure effects, social interest, and public order, and (4) appearance of good right (*fumus boni iuris*), requiring plausibility in the claim.⁷

This framework demands substantially more method and proof from the outset. Petitioners must demonstrate both danger in delay (*periculum in mora*), risk of irreparable harm, and why their legal interpretation has plausibility. For cases involving critical operations, expert opinions, operational impact traceability, and documentation enabling judicial weighing without conjecture become essential. Regarding certain economic and financial regulators (Federal Economic Competition Commission (COFEC), Federal Telecommunications Institute (IFT), National Banking and Securities Commission (CNBV), which under Constitutional Article 28 are autonomous bodies tasked with safeguarding free competition and financial stability), standards are more demanding, their acts are not subject to suspension.

Anti-Money Laundering: Burden Inversion

Suspension won't be granted provisionally when dealing with acts related to money laundering, for example, bank-account freezes ordered by the Financial Intelligence Unit (UIF). If authorities freeze accounts on suspicion of laundering, affected parties may no longer obtain provisional suspension to unfreeze them. To obtain definitive suspension, the petitioner must demonstrate the licit origin of funds before the judge; without that showing, suspension is denied.⁸

The governmental logic is preventing amparo from becoming "refuge for suspected financial criminals."⁹ However, critics see erosion of presumption of innocence and defence rights, treating resource-freezing as an established fact until individuals prove otherwise. Limited exceptions exist for documented payroll, court-ordered support, basic subsistence, or primary-residence tax/mortgage payments, but proof requirements are granular and time-compressed. Robust compliance programmes, know-your-customer and anti-money-laundering policies, orderly contracts and invoices, bank reconciliations, become prerequisites for accessing provisional protection.

Tax Execution: Deferred Access and Concentrated Litigation

Suspension is inadmissible against acts linked to collection of final tax credits, public debt, or financial-system functioning. If tax authorities initiate execution procedures to collect overdue taxes definitively confirmed,

6.- <https://elpais.com/mexico/2025-10-20/tres-observaciones-a-la-reforma-a-la-ley-de-amparo>

7.- Article 128, Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos, Cámara de Diputados. (as amended on October 16, 2025) https://www.diputados.gob.mx/LeyesBiblio/ref/lamp/LAmp_ref10_16oct25.pdf

8.- Article 129, Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos, Cámara de Diputados. (as amended on October 16, 2025) https://www.diputados.gob.mx/LeyesBiblio/ref/lamp/LAmp_ref10_16oct25.pdf

9.- <https://www.infobae.com/mexico/2025/10/02/sheinbaum-pide-respeto-a-la-constitucion-tras-aprobacion-del-senado-para-que-ley-de-amparo-sea-retroactiva/>

debtors cannot initially halt embargoes or asset seizure through amparo. The law now permits challenging through amparo only starting when auction order for seized assets is published.¹⁰ All violations during prior collection procedure must be challenged together at that moment.

The intention is to prevent large taxpayers from using amparos to indefinitely delay tax-obligation payment. The counterpart: taxpayers remain defenseless during most of the procedure, their assets can be seized and even sold before a judge evaluates whether rights were violated. The reform may enable the immediate execution of certain fiscal resolutions, including those of doubtful legal foundation, producing de facto effects that subsequent amparo proceedings would struggle to undo.

The reform coordinates the Amparo Law with tax legislation, the Federal Tax Code now establishes inadmissibility of revocation appeal against execution procedure acts and against resolutions denying credit prescription. Contentious administrative proceedings before the Federal Court of Administrative Justice are similarly inadmissible. Once a credit is final, the tax authority has a clear path to execute, and taxpayers cannot halt actions through administrative appeals.

Other Restrictions

Permits and Concessions: Suspension cannot authorize operation without legally required permits. If an activity requires enabling title and the individual doesn't have it, suspension won't be safe-conduct to continue operating. The message, ex ante regulatory compliance, not ex post provisional coverage.

National Security & Criminal Procedure: The reform indicates that social interest will prevail over individual interest in national-security or public-order matters. Regarding arrest warrants or precautionary criminal measures ordered by a competent judge, suspensions won't be admitted to prevent execution.

Retroactivity Controversy: Unresolved Constitutional Tensions

A controversial point was how to apply the reform to pending amparo proceedings. The Constitution prohibits retroactive laws to anyone's detriment, but it was argued that the Amparo Law is procedural, so new rules could apply to pending proceedings. The original initiative suggested all pending amparos would continue with new provisions, even in intermediate stages, generating immediate alarm since benefits already granted (e.g., definitive suspension) could be revoked.

Congress adjusted this. Third Transitory Article establishes procedural stages completed generating vested rights are governed by old law, while acts subsequent to entry into force are governed by new law, clarifying this does not imply retroactivity or vested-rights impairment, since these are future acts."¹¹ Officialist legislators assured this forestalled retroactivity interpretations and that prior stages would not be touched."¹²

However, some jurists see disguised retroactivity. If a pending amparo already had definitive suspension and authority filed appeal, the appellate tribunal might apply the new suspension requirements when resolving that appeal, potentially revoking a previously-granted suspension, removing from petitioners a benefit secured under prior law. Similarly, petitioners previously considered to have legitimate interest under prior jurisprudence might be re-evaluated with new definition upon reaching collegiate court, causing dismissal. Given the reform's magnitude, constitutional challenges are highly probable, with the Supreme Court having final word on validity and scope.

10.- Official Gazette of the Federation (October 16, 2025). Articles 107 (section II), 135; CFF 124; TFJA 3 (II) of the Decree amending the Ley de Amparo. https://www.diputados.gob.mx/LeyesBiblio/ref/lamp/LAmp_ref10_16oct25.pdf

11.- Official Gazette of the Federation (October 16, 2025). Third Transitory Article of the Decree amending the Ley de Amparo. https://www.diputados.gob.mx/LeyesBiblio/ref/lamp/LAmp_ref10_16oct25.pdf

12.- <https://elpais.com/mexico/2025-10-02/la-presidenta-de-mexico-rechaza-la-retroactividad-de-la-ley-de-amparo-incluida-por-el-senado-a-ultima-hora>

13.- Articles 3, 25-30, Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos, Cámara de Diputados. (as amended on October 16, 2025) https://www.diputados.gob.mx/LeyesBiblio/ref/lamp/LAmp_ref10_16oct25.pdf

Digital Justice and Procedural Improvements

The reform incorporates a normative framework for digital amparo proceedings with full legal validity. Amparo complaints and subsequent filings can be filed electronically through the Federal Judiciary's online portal with certified electronic signature. This scheme is optional for complaining parties to ensure access is not conditioned by the digital divide. However, authorities must enable electronic means for notifications and acts.¹³ The reform gives up to one year for the Judicial Administration Body to adapt the Electronic System and for all authorities to register as users.

Fixed deadlines are established where none existed before, preventing indefinite delays. Procedural norms giving rise to dilatory appeals are reformulated. Earlier drafts floated shifting fines to the State and softening official liability, but Congress removed those mechanisms before publication. The final text preserves personal sanctions: Article 262 imposes 3-9 years' imprisonment, a 50-500-day fine, removal, and 3-9 years' disqualification on the public official who fails to comply with an amparo ruling or suspension.¹⁴ Before requiring compliance, judges must assess the legal framework and verify the authority's legal faculties; where legal or material impossibility is duly justified, enforcement proceeds under that framework rather than through immediate sanction. After the constitutional hearing opens, the court must issue judgment within 90 calendar days. Complaint-expansion is limited to the scenarios expressly listed in Article 111, which allows to broaden the arguments of the complaint only when new acts arise from the same authority or proceeding and are directly connected to the original claim; outside those cases, expansion is not allowed.¹⁵

Political Context and Institutional Warnings

Opposition political parties, the Partido Acción Nacional (PAN), the Partido Revolucionario Institucional (PRI), and Movimiento Ciudadano (MC), voted against the reform and signaled court-focused responses, including amparos and possible Supreme Court constitutional challenges¹⁶; even so, the ruling Movimiento de Regeneración Nacional (Morena) and its allies carried the measure while preserving the core of the executive's proposal in the final text.

Former Supreme Court Justice, José Ramón Cossío Díaz, characterized the reform as a targeted blow to the rule of law, seeking to concentrate power by weakening both the Judiciary and the amparo that legitimizes it.¹⁷ Some analysts contextualize amparo reform as part of larger justice-system changes: Congress simultaneously proposed popular election of judges and justices, potentially politicizing the Judiciary. Together, a scenario emerges where "a political judge and limited amparo guarantee the State can act without checks," elevating arbitrariness risk.¹⁸

In response to critics, Former Justice Arturo Zaldívar defended the reform, insisting that "neither access to amparo is limited, nor restricted, nor made more difficult... the purpose is a more agile, efficient, digital amparo."¹⁹ He emphasized that the reform aims to prevent the misuse of amparo procedures, especially in cases of tax credits and alleged money-laundering, making clear that "amparos must protect human rights, not be instruments for criminals."²⁰

14.- Articles 192, 260-262, *Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos*, Cámara de Diputados. (as amended on October 16, 2025) https://www.diputados.gob.mx/LeyesBiblio/ref/lamp/LAmp_ref10_16oct25.pdf

15.- Articles 192, 260-262, *Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos*, Cámara de Diputados. (as amended on October 16, 2025) https://www.diputados.gob.mx/LeyesBiblio/ref/lamp/LAmp_ref10_16oct25.pdf

16.- <https://elpais.com/mexico/2025-10-02/los-grupos-criticos-a-la-nueva-ley-de-amparo-en-mexico-es-una-reforma-pro-autoridad>

17.- <https://elpais.com/mexico/opinion/2025-10-06/una-iniciativa-para-disminuir-al-juicio-de-amparo-ii>

18.- <https://www.reuters.com/world/americas/mexico-moves-elect-judges-popular-vote-2025-10-15/>

19.- <https://www.eleconomista.com.mx/politica/arturo-zaldivar-defiende-reforma-juicio-amparo-hay-retroactividad-dice-20251016-782005>

20.- <https://www.milenio.com/politica/arturo-zaldivar-senala-amparos-proteger-derechos-humanos>

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