

**MIGUEL MARQUEZ MARQUEZ**, Governor of the Free and Sovereign State of Guanajuato, in exercise of the powers conferred on me by Article 77, Sections II and XXV and 79 of the Constitution for the State of Guanajuato, in compliance with the provisions of Articles 2nd., 3rd. and 35 of the Organic Law of the Executive for the State of Guanajuato, and seventh transitional Legislative Decree number 287 by amending, supplementing or repealing certain provisions of the Organic Law of the Executive for the State of Guanajuato, published in the Official Gazette of the Government of the number 150, second part, the September 18, 2012.

### **C O N S I D E R I N G**

The migration of people is a multifactorial phenomenon that affects all levels of government in our country. The municipal authorities of the states and the Federation are concerned about this issue.

This phenomenon has different approaches, international migration can be when our nationals crossing the borders of our country, internal migration as it happens within the Mexican state itself-whether municipal, inter-regional or inter-, and finally, from the point of view of mobility, when migrating from the countryside to the city, not necessarily out of the political divide in our state. All are approaches that should be analyzed and reviewed by the various authorities for comprehensive care.

This theme, migration has always been present in the public agenda of Guanajuato. Over the years we have developed various collaborative actions with both federal authorities, municipal and Guanajuato with migrant organizations abroad.

In this vein, it is considered essential to alter the treatment of the subject, not only because of the importance that it requires the same, but additionally to give greater specialization, flexibility and dynamism.

Therefore, this decree is issued in order to create a decentralized agency charged with the comprehensive care Guanajuato migrants, their families and their communities.

This organism is characterized its legal personality and its own, which is given with greater expertise to their actions for effective response to the problem of migrants.

It also involves the participation of citizens, not only as a mere opinion of public affairs on migration, but as dominant players in the decision-making body, as it includes the direct collaboration of the representatives of migrants in its governing body.

With regard to their powers, not only allowed the coordination of government actions in the field, but also enables productive projects supported by migrants

seeking international resources that underpin their actions on behalf of migrants Guanajuato and their families, thereby generating the guanajuatenses not uproot.

Another important issue is to resize with this new body is on information on the subject of migration, as it seeks to have an entire information system to support not only in the public decision-making, but also opportunities, benefits and helps members who decide to migrate to our state.

With all this, it aims to position Guanajuato as a leading entity in the treatment of the subject, not only satisfied to meet their urgent needs, but potentiate the skills of migrants from Guanajuato and seize the benefit of the development of our country.

For the foregoing reasons and based on the legal provisions outlined above, I hereby issue the following:

### **Government Decree NUMBER 1**

**Article One.** It creates the **State Institute for Migrants and their Guanajuato Families as a public agency**, to be as follows:

#### **Chapter I Legal Nature**

##### **Legal status and sectorization.**

**Article 1.** The State Institute for Migrants and their Guanajuato Families is a public agency of the state public administration, which for the purposes of this decree will be identified as "Institute".

The Institute has legal personality and its own and is zoned to the Ministry of Social Development and Human.

#### **Chapter II Purpose and Powers**

##### **Object**

**Article 2.** The Institute aims to design, propose, develop, coordinate, implement, promote, disseminate and evaluate public policies on migration, comprehensive care and respect for the rights of migrants, their families and their communities of origin, with the collaboration of different actors in the process of social, economic, cultural and political development of Guanajuato.

## **Powers**

**Article 3.** The Institute has the following attributes:

**I.** Design, propose, promote and implement policies for the comprehensive care of migrants, their families and support their communities of origin in Guanajuato;

**II.** Coordinate the various departments and agencies of the state public administration whose actions have as their objectives Guanajuato migrants or their families, in their execution;

**III.** Establish or promote mechanisms for evaluating public policies on migration of Guanajuato;

**IV.** Design and implement, with the support of the Secretariat of Government, a program of respect for the human rights of migrants;

**V.** Agreements with the Federation, states and with public and private organizations to promote actions leading to the improvement of the living conditions of migrants;

**VI.** Coordinate with municipalities to establish programs and actions in the care and protection of migrants and their families;

**VII.** To strengthen the Bank on Guanajuato migrants abroad through programs of common interest;

**VIII.** Promote, perform, arrange and coordinate the promotion and enhancement of programs and actions to the roots of migrants and their families in the State;

**IX.** Authorize and execute, on behalf of the Government of the State of Guanajuato, support, donations and grants in cash or in kind, in the programs that are considered beneficial for social care organizations abroad Guanajuato, Guanajuato migrants and their families;

**X.** Spread between Guanajuato migrants and their families, programs and actions that allow them to join in their home communities and promote regional economic development;

**XI.** To assist and promote awareness of our history, culture, traditions and values that will strengthen ties and roots among the communities of Guanajuato located abroad and their descendants;

**XII.** Assist in the dissemination of preventive and care programs aimed at improving the health of migrants across borders and their families in the entity;

**XIII.** Collaborate in programs and activities to improve the living conditions of women and children of migrants from Guanajuato;

**XIV.** Collaborate with relevant educational bodies in the implementation of educational schemes that can promote the continuity of studies on both sides of the border, both migrants and their families in the state;

**XV.** Assist in the implementation of the migration;

**XVI.** Making Continuing publicity campaigns to strengthen the culture of protecting the rights of migrants;

**XVII.** Conducting research and studies to permanently implement public policies to comprehensive care of migrants;

**XVIII.** Serving as a state representative before the various committees in the field;

**XIX.** Establish an information subsystem migration linked Guanajuato State System of Statistical and Geographical Information under the terms of the Planning Act for the State of Guanajuato;

**XX.** Generate, promote, implement and evaluate projects with migrants and their guanajuatenses families development of the Institution;

**XXI.** Partner with public and private organizations to generate projects for migrants, their families and their communities;

**XXII.** Manage the provision of domestic and international financial resources for the implementation of projects with migrants and their families;

**XXIII.** Advice and support regarding the institutions or agencies and entities to which recourse should those interested in performing any procedure related to their status as migrants or their relatives;

**XXIV.** Promote the creation of mechanisms for the secure and reliable delivery of remittances of migrants and advising in the management or investment in their home communities to enable them to improve their living conditions, and

**XXV.** Other established other provisions.

### **Chapter III Place and Heritage**

#### **Headquarters**

**Article 4.** The Institute is based in the town of Celaya, Guanajuato, but may establish offices in different cities of the state, the country or abroad, according to their operational needs and budget availability you have.

## **Heritage**

**Article 5.** The assets of the Institute shall consist of:

- I.** The resources in their favor set the General Budget of Expenditures of the State;
- II.** The property, real estate, construction, services, rights and obligations assigned to it and pass the Federal, State, municipal or other public entity;
- III.** Contributions, grants and supports in their favor do Federation, the state and municipalities, and other public or private organizations;
- IV.** Donations, legacies, bequests, contributions and other resources in cash or in kind, which will grant the individuals or companies for any legal title;
- V.** Yields or financial products, recoveries, property and rights that generate investments and other operations, and
- VI.** Other property or income acquired for legal by any means.

## **Chapter IV Government and Public Bodies**

### **Section One Board**

#### **Governing body**

**Article 6.** The government of the Institute is headed by a Board of Directors.

#### **Integration of the Board**

**Article 7.** The Board is the highest authority of the Institute and comprises:

- I.** The Governor of the State;
- II.** A representative of the communities or migrant associations abroad, as Chair, with duration of two years, with no right to reelection and appointed by the members of the Board of Directors;
- III.** Four community representatives or associations of migrants abroad, lasting two years and appointed by the Board of Directors;
- IV.** A representative of civil society organizations in the state that addresses the issue of migration, which lasts two years and designated by the Board;
- V.** The Secretary of Social and Human Development;
- VI.** The Secretary of Sustainable Economic Development;

**VII.** The Secretary of Agricultural Development;

**VIII.** The Secretary of Finance, Investment and Management;

**IX.** The Director General of the System for the Integral Development of the Family of the state of Guanajuato;

**X.** A representative in Congress representing the state;

**XI.** A young college student and Guanajuato origin residing abroad, appointed by the Board, through an open call. This guest is renewed every two years;

**XII.** The Secretary of Transparency and Accountability, and

**XIII.** The Director General of the Institute, as Technical Secretary;

Counselors will be as owners and, other than the President of the Council shall appoint an alternate who shall have the same powers of director owner if his absence. When the Governor attends the meetings, would lead.

The members of the Board shall be entitled to speak and vote, except those listed in sections X, XI, XII and XIII, who only have the right to speak.

#### **Honorary positions of the Board**

**Article 8.** The positions of the members of the Board shall be considered honorary, so do not receive remuneration, emoluments, or compensation for the performance of their duties.

#### **Invited sessions**

**Article 9.** The Board, through the Technical Secretary, may invite to its meetings, public servants of departments and agencies of the federal, state or municipal, as well as to private or other public or private institutions, in response to the topic will be developed, who only have the right to speak.

#### **Periodicity, quorum and validity of the sessions**

**Article 10.** The Board of Directors shall meet ordinarily at least four times a year, either abroad or in the country, and extraordinarily when the importance of the case so requires.

Sessions will be valid with the attendance of more than half of its members and the decisions are taken by majority vote of the members present. In case of a tie, the person presiding shall have a casting vote.

#### **Call for sessions**

**Article 11.** The Technical Secretary, the agreement of the President, shall convene the meetings of the Board, which shall accompany the agenda and documentation for such consultations.

Regular meetings shall be convened at least fifteen calendar days, being verified, having the same extraordinary and one week in advance.

Assuming there are no quorum to conduct the meeting, a second meeting will be held to celebrate the session within seventy-two hours of the time indicated in the first, which will be held with members attend to it.

### **Powers of Board**

**Article 12.** The Board has the following powers:

- I.** Approve the annual work program of the Institute;
- II.** Approve the Draft Expenditure Budget of the Institute;
- III.** Approve the financial statements of the Institute;
- IV.** To approve the draft rules of procedure of the Institute;
- V.** Appoint and dismiss public servants holding positions Institute with both immediate administrative hierarchies below the Director General;
- VI.** To authorize the signing of contracts by the Director General on behalf of the Institute;
- VII.** Authorize transactions and contracts in the terms of the Law of Acquisitions, Dispositions, Leasing and Contract Services Public Sector in the State of Guanajuato to be made by the Institute;
- VIII.** Authorize acts of dominion over their movable and immovable assets, subject to the laws;
- IX.** Approve the operating organization of the Institute;
- X.** To authorize the practice of external audits to monitor the correct application of resources by the Institute;
- XI.** To authorize the establishment of committees, commissions and working groups internally;
- XII.** Monitor the financial position of the Institute, and
- XIII.** The other powers conferred by the applicable laws and internal regulations of the Institute.

### **Powers of the President**

**Article 13.** The Chairman of the Board has the following powers:

- I.** Representing the Board of Directors before any court;
- II.** Preside over the meetings of the Board;
- III.** Request the members the information it considers relevant, and
- IV.** Other required for the performance of their duties and is inherent in his position.

#### **Powers of the Technical Secretary**

**Article 14.** The Technical Secretary has the following powers:

- I.** Convene meetings of the Board, by agreement of the President;
- II.** Roll call and verify the quorum at meetings;
- III.** Taking minutes of meetings;
- IV.** Support the Chairman of the Board in the discharge of its functions;
- V.** Supporting members of the board in the relief of the sessions, and
- VI.** Other duties designated by the Chairman of the Board.

### **Section Two Director General**

#### **Management Body**

**Article 15.** The administration of the Institute is headed by a Director General.

Administrative units of the Institute

**Article 16.** The Institute will have the administrative units required for the performance of their duties, attending to budget availability. His organizational and management structure and functions of administrative units will be developed in its Internal Regulations

#### **Powers of the Director General**

**Article 17.** The Director General of the Institute has the following attributes:

- I.** Represent the Institute and delegate this representation;
- II.** Propose to the Board the annual program of activities;
- III.** Formulating the Draft Budget of Expenditures and submit it to the Institute Board approval;

**IV.** Run, implement and monitor compliance agreements issued by the Board of Directors;

**V.** Celebrate all acts, contracts and agreements inherent to the object of the Institute, by the Board of Directors, giving consideration at the regular meeting following such action;

**VI.** Propose to the Board the appointment and dismissal of the staff of the Institute holding positions with both immediate administrative hierarchies inferior to yours;

**VII.** Render function reports to each regular session of the Board;

**VIII.** Submit for approval by the Board of Directors the draft rules of procedure and the organization of the Institute manuals;

**IX.** Managing human resources, material and financial resources are allocated, and

**X.** The others indicated this Government Decree, other applicable provisions, as well as those conferred upon the Board.

## **T R A N S I T O R Y**

### **Effective Home**

**Article One.** This Government Decree shall enter into force on January 1, 2013, following its publication in the Official Gazette of the Government of the State, except as provided in Article III.

### **Provident Budget Initiative General Expenses for the Year 2013**

**Article Two.** The Ministry of Social Development and Human Resources from staff and programs for the support of migrants and their families, will coordinate with the Ministry of Finance, and Investment Management, to perform the actions leading to the effect seen in the initiative of the General Budget Law of Expenditures for the Fiscal year 2013 budget projections for the operation of the State Institute for Migrants and their Guanajuato Families.

### **Installing the Board**

**Article Three.** The Board of the Institute shall be installed in a period not exceeding thirty days from the publication of this Government Decree, from which designate its President. In the span of time between the installation and start of operation of the Institute provided by the first article of this decree interim, the Board will serve as an adjunct to the Ministry of Social Development and Human Development of programs to support of migrants and their families.

For purposes of installation and only time the Governor made the appointment of community representatives or associations of migrants abroad and the representative of civil society organizations in the State of Guanajuato that address the issue of migration to referred to in Article 7 of the Government Decree.

For purposes of the installation, the Board shall appoint from among its members who act as Technical Secretary.

#### **Issuance of Procedure of the Institute**

**Article Four.** The Rules of the Institute shall be issued within a period not exceeding sixty days from the installation of the Board.

#### **Installation Resources**

**Article Five.** The Department of Social and Human Development, from the financial and personnel support programs for migrants and their families, the expenditures made to proceed with the installation of the Board of the Institute.

Given in the executive mansion in the city of Guanajuato, Gto., to October 29, 2012.

**MIGUEL MARQUEZ MARQUEZ**

**GOVERNMENT SECRETARY**

**THE SECRETARY OF SOCIAL AND  
HUMAN DEVELOPMENT**

**ANTONIO SALVADOR GARCÍA  
LÓPEZ**

**ÉCTOR JAIME RAMÍREZ BARBA**