

VARIA

MEXICAN ASYLUM DURING THE SPANISH CIVIL WAR: A MISSION CARRIED OUT BY THREE MEXICAN DIPLOMATS (1934-1940)

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RESUMEN

Este artículo se refiere a la diplomacia mexicana en el periodo entreguerras como una etapa caracterizada por una actitud de solidaridad y cooperación del Estado Mexicano y sus representantes. Ejemplo de esta actitud fue la política de asilo por parte del gobierno mexicano tras la Guerra Civil Española, que resultó en la recepción de 20,000 refugiados españoles en territorio mexicano y la protección miles de españoles en territorio francés. Por lo tanto, tras considerar la relevancia de la diplomacia mexicana durante este periodo, la presente investigación se detuvo a cuestionarse cual fue la incidencia que tuvieron los diplomáticos en las decisiones de política exterior relacionadas al asilo español. Mediante el estudio de cartas y telegramas entre el jefe de Estado y los diplomáticos, así como extractos de historia oral y resultados históricos se realizó un análisis cualitativo que confirma que los diplomáticos en cuestión condicionaron las decisiones de política exterior e hicieron posible la acogida y protección de miles de españoles que huyeron de su hogar en busca de libertad.

Palabras clave:

Diplomáticos, Solidaridad, Asilo, Política Exterior, Protección.

ABSTRACT

This article refers to the Mexican diplomacy in the interwar period as a stage characterized by an attitude of solidarity and cooperation of the Mexican State and its representatives. An example of this attitude was the policy of asylum on the part of the Mexican government after the Spanish Civil War, which resulted in the reception of 20,000 Spanish refugees in Mexican territory and the protection

of thousands of Spaniards in French territory. Therefore, after recognizing the relevance of the Mexican diplomacy during this period, the present investigation considered important to question the impact diplomats had on foreign policy decisions related to the Spanish asylum. Therefore, through the study of letters and telegrams between the Head of State and the diplomats, as well as extracts from oral history and historical results, a qualitative analysis was carried out confirming that the diplomats in question conditioned foreign policy decisions and made possible the reception and protection of thousands of Spaniards who fled their home in search of freedom.

Keywords:

Diplomats, Solidarity, Asylum, Foreign policy, Protection.

INTRODUCTION

The Mexican asylum policy was a result of the efforts of many actors. However, this text will highlight the work of three diplomats - Isidro Fabela, Luis I. Rodríguez and Gilberto Bosques - who as participants of the Franco-Mexican Commission were able to move thousands of Spanish refugees from France to Mexico.¹ “When the republican institutions could not act in France... Mexican diplomacy replaced them assuming the work of protecting refugees”.² Therefore, the hypothesis consists of explaining how these diplomats conditioned the work of asylum during Cárdenas’s term, and how they did not only represented Cárdenas, but influenced Mexican decisions on foreign policy. In other words, their diplomacy was not just as Nicholson (1975) considers it: “not an end but a means, not a purpose but a method”;³ but it had an end and a purpose in itself, allowing it to have incidence in the decisions that permitted the asylum of more than twenty thousand Spanish refugees.

When the Spanish Civil war started, Mexico became “the most effective and disinterested ally of the Spanish Republic”⁴ through active support in international forums, through economic cooperation and humanitarian assistance.⁵

The Mexican participation took place within a specific national context.⁶ In 1934, the same year of the beginning of the insurrection in Spain, the republican Lázaro Cárdenas came to power. In addition to this political orientation, there was also a legal context that permitted Mexico’s cooperation. Article 11 of the Mexican Constitution (1917) establishes that “every man has the right to enter the

¹ ASCENSIÓN HERNÁNDEZ DE LEÓN-PORTILLA, *El exilio español en México: Cuatro momentos*. Trad. de Natalia Ramírez, México, REVISTA DE LA UNIVERSIDAD DE MÉXICO, 2010, p.12.

² Museum of the City of Madrid, 2010.

³ JOSÉ ANTONIO DE YTURRIAGA BARBERÁN, *Los órganos del Estado para las relaciones exteriores*, 1st ed; trad. de Natalia Ramírez, España, Ministerio de Asuntos Exteriores y de Cooperación, 2015, p. 33.

⁴ JULEN LEZAMIZ, “La Conexión Mexicana: Armas y Alimentos para la República” *Revista Electrónica Iberoamericana*, México, vol. 9, núm.1, 2015, p. 1.

⁵ CLARA LIDA, *La solidaridad mexicana ante la Guerra Civil y el exilio republicano*, trad. de Natalia Ramírez, México, Colegio De México, 2011, p.16.

⁶ ALAN KNIGHT, “México y el Caribe desde 1930”, en LESLIE BETHELL (comp.), México, Historia de América Latina, 1998, p. 2.

Republic, leave it, travel through its territory and change its residence”.⁷ Regarding this, it is relevant to highlight that before 1936, migratory laws – apart from the Constitution-, were restrictive; prohibiting immigration of foreigners with any illness, deformity, certain political situation and age.⁸ However, in 1936, the same year of the beginning of the Spanish Civil War, the General Population Act was enacted in Mexico.⁹ Its Article 58 established that “foreigners who come from their country fleeing political persecutions will be admitted by the immigration authorities, prior identification, on a provisional basis”.¹⁰ Also, Article 59 specifies that “the provisions of this Law in relation to foreigners, will be applied taking into account preferably international treaties”.¹¹ Finally, Transitory Article 2 establishes that this Act repeals the Migration Act of 1930 and “the other provisions in force on the matter, insofar as they oppose the present” (1936);¹² making this Act of 1936 and the Mexican Political Constitution, the governing documents for foreign immigration in Mexico.

Mexico was in a favorable political and legal position; but was this what determined Mexico’s foreign policy towards Spanish refugees? As mentioned by Velázquez Hernández, the position of solidarity of the General Lázaro Cárdenas Government towards the Spanish refugees after the civil war is well known, “but it is not so much, for the general public, the active work that its diplomatic representatives carried out in aid of them”.¹³

ISIDRO FABELA

One of the diplomats that had a saying in the Spanish refugees’ matter was Isidro Fabela. His participation in Mexican diplomacy was so important that Blancarte questions why “there is no Fabela doctrine, as is the case of other principles enunciated by important scholars and promoters of modern international law”.¹⁴

On February 11, 1937, Lázaro Cárdenas, named “Isidro Fabela extraordinary envoy and plenipotentiary minister of Mexico before the League of Nations”¹⁵ and provided him a guideline on Mexico’s foreign policy through the following principles:

- I. Mexico is and must remain a State faithful to the League of Nations;
- III. Mexico has recognized and recognizes as inalienable the principle of non-intervention;

⁷ Constitución Política de los Estados Unidos Mexicanos, 1917, art. 11.

⁸ Ley General de Migración, 1926 y 1930.

⁹ Instituto Nacional de Migración, *Compilación histórica de la legislación migratoria en México*, 3ª. Ed; trad. de NATALIA RAMÍREZ, México, INM, 1996, p.88.

¹⁰ Ley General de Población, México, art. 58.

¹¹ *Ibidem*. Art. 59.

¹² *Ibidem*. Art. Trans. 2.

¹³ AURELIO VELÁZQUEZ HERNÁNDEZ, “La diplomacia mexicana: ¿Agente al servicio del exilio español? Las relaciones entre diplomáticos mexicanos y los organismos de ayuda a los republicanos españoles (1939-1942)”, *Universidad de Salamanca*, España, núm. 22, 15 junio 2010, p. 8.

¹⁴ MARÍA TERESA JARQUÍN ORTEGA, *Isidro Fabela: Pensador, Político y Humanista*. 1st ed. Estado de México, Instituto Mexiquense de cultura, 1996, p.117.

¹⁵ MARIO COLÍN, *Cronología de Isidro Fabela*. Toluca: Secretaría de Educación, Cultura y Bienestar Social, Gobierno del Estado de México, 1982, p.37.

- IV. Mexico will be constituted, at any time that is necessary in defense of any country that suffers an external aggression of any power;
- V. The Mexican Government recognizes that Spain, a member state of the League of Nations, assaulted by the totalitarian powers, Germany and Italy, has the right to moral, political and diplomatic protection, and to the material assistance of the other Member States, in accordance with the ... provisions of the Covenant;
- VI. The Mexican government does not recognize or cannot recognize another legal representative of the Spanish State than the republican government presided by Manuel Azaña.¹⁶

Despite the fact that president Cárdenas set the tone for Fabela's diplomatic behavior, this diplomat had an influence in the decisions and actions taken through recommendations to the Executive and participation beyond the League of Nations forum.

On February 24, 1939, Isidro Fabela wrote to the President about some of his actions in his trip to Perpignan, which had the following objectives:

...pick up two orphaned children from among the Spanish refugees; distribute clothes, food and some money to the most needy people ... and visit the concentration camps where the military and civilians who broke into the south of France when the defeat of the republican army in Catalonia, and take direct impressions... about the causes of that disaster.¹⁷

During his visit to France, Fabela did not only adopt two orphans from among the Spanish refugees; but he visited the concentration camps and evaluated the conditions. By February 1939 around half a million Spaniards had crossed over to France¹⁸ as refugees. At first there were no sheds, no walls, no tents; the feeding was insufficient; and the refugees were separated from their families and isolated from the rest of the world.¹⁹ Fabela describes the condition of the refugees as deplorable, mentioning that they lived "as prisoners without being".²⁰ The situation towards the refugees was similar in the Arles and Amélie concentration camps. In these three, the Mexican diplomat found refugees that were professors, doctors, engineers, lawyers mechanics, soldiers and aviators who sought to migrate to Mexico for fear of being handed over to the Franco's regime.²¹ Fabela undertook several trips to these camps, where, together with the help of Tejada, ambassador to Spain, he distributed Mexican migration forms. On February 23, 1939, Fabela sent the President the following cablegram:

¹⁶ Fabela, Isidro, *Cartas al presidente Cárdenas*. México, 1994, pp.3,4.

¹⁷ *Ibidem*. p. 128

¹⁸ *Ibidem*. p.121

¹⁹ *Ibidem*.p.122

²⁰ *Ibidem* pp. 124, 125

²¹ Reid, Fiona y Gemie, Sarif. *Constructing Citizenship? Women, Welfare and Refugees in France, 1939-1940*, United Kingdom, Women's History Review, 2011, p. 350.

Having returned Perpignan already sent him a sample report, allowing me to communicate in advance I had several conversations Tejeda ambassador *stop* Spanish concentration camps terrifying, so I estimate should be activated preparations and quickly grant authorization so that they can go Mexico those decided superiority of agreement selection Tejeda *stop* resolution is so much more urgent as frank recognition by France, England, which is imminent, impossible republican government to pay for their emigrated trip account as now is willing to do, according to Tejeda ambassador, *stop* respectfully, Fabela.²²

After his visit to the concentration camps, Fabela “began an intense campaign to hasten the emigration to Mexico, urged by the imminent recognition of Franco’s regime by Vichy, government of France and the possible repatriation of refugees”.²³ These letters and cablegrams so impressed the President that he initiated “the necessary steps to receive as many Spanish refugees”²⁴ who wished to enter the country. As a result, in 1939, “a government decree established that the Mexican government accepted an unlimited number of Spanish refugees into its soil, as long as the republican organizations in exile committed themselves to pay for the transportation and contribute to its installation”.²⁵

Therefore, based on the foregoing, it can be stated that Fabela’s actions, which went beyond its responsibilities in the League of Nations, had an impact on the decisions concerning the Spanish refugees in France. While it is true that Bassols, ambassador to France, had already received instructions from president Cárdenas in mid-February to transmit to Tejeda “the main lines of the plan to organize the evacuation to Mexico of a part of the Spanish refugees in France”,²⁶ it can be said that this cablegram and the letters presented by Fabela, one of the first diplomats to visit the concentration camps,²⁷ accelerated the actions that were taken by his government.

What followed this initiative was the need to sign an agreement with France to receive the refugees that had crossed the Spanish border into this country. This was carried out by the Mexican diplomat Luis I. Rodríguez.

LUIS I. RODRÍGUEZ

During his mission in France, Rodríguez also had correspondence with president Cárdenas. On July 1, 1940, Cárdenas sent him instructions regarding the refugees in France:

²² ISIDRO FABELA, *Neutralidad: Estudio Histórico, Jurídico y Político. La Sociedad de las Naciones y el Continente Americano ante la Guerra de 1939-1940*, México, 1940.

²³ ARMIDA GONZÁLEZ DE LA VARA y ÁLVARO MATUTE, *El exilio español y el mundo de los libros*, México, Universidad de Guadalajara, 2002, p. 23.

²⁴ GUSTAVO CASTRO y SERGIO GALVÁN, *La migración a Estados Unidos en Gómez Farías, Michoacán*, Migración en el Occidente de México, 1988.

²⁵ *Ibidem*, p. 8

²⁶ ANDRÉS SÁNCHEZ y PEDRO PÉREZ, *Las relaciones entre España y México 1810-2010* Madrid, Real Instituto Elcano, 2010, p.167.

²⁷ AURELIO VELÁZQUEZ HERNÁNDEZ, “La diplomacia mexicana: ¿Agente al servicio...?”, cit., p. 8.

Urgently declare to the French government that Mexico is willing to welcome all Spanish refugees of both sexes living in France. Say that this government is taking measures to carry out this resolution in the shortest possible time. If the French government accepts our idea in principle, you will express that from the moment of acceptance all Spanish refugees will be under the protection of the Mexican flag. Likewise, if the French government accepts, suggest a practical way to carry out these purposes with the understanding that in response to the circumstances we address the German and Italian governments, communicating our wish. Answer urgently.²⁸

After receiving these instructions that established the foreign policy to follow, Rodríguez expressed his expectation to “fulfill with enthusiasm his correct dispositions”²⁹ and his intention to have an audience with Marshal Pétain to deal with this matter.³⁰ In this way, Rodríguez diplomacy was a means to an end, but his actions determined the terms in which the Franco-Mexican Agreement took place, especially concerning the protection of the Spanish refugees.

The 27th of July of 1940, Rodríguez sent a telegram to the Secretary of Foreign Affairs with his suggestions for the Franco-Mexican Agreement. These included equal protection to Mexican nationals and immigrants; French subsidies for the administrative functions; and inland transportation funded by the French government and maritime transportation funded by the Mexican government.³¹ These initiatives were accepted by the Executive, transformed into directives and included in the Franco-Mexican Agreement.³² His suggestions, that went beyond the given instructions of president Cárdenas, resulted in an important breakthrough for the asylum policy; for it did not only allow Spanish refugees to sail to Mexico; but it allowed “Mexican diplomats in France to act with more freedom and protect the lives of all those Spaniards who, when claimed by Mexico, automatically became potential Mexicans”.³³ In other words, this allowed Spanish refugees to be protected not only in Mexico but in French territory. This role was successfully played by Gilberto Bosques.

GILBERTO BOSQUES

Prior to his arrival to Paris, Gilberto Bosques met with General Cárdenas to receive direct instructions respecting the Spanish refugees. About his meeting, the Mexican diplomat expressed:

I suggested General Cárdenas the making of a map... on the resources of ..., natural resources, to contemplate the installation of industries... and take advantage of the

²⁸ Fabela, Isidro y Rodríguez, Luis I, *Diplomáticos de Cárdenas: una trinchera mexicana en la guerra civil (1936-1940)*, Madrid, España, Trama Editorial, 2007, p. 73.

²⁹ *Ibidem*.

³⁰ *Ibidem*. p. 75.

³¹ Rodríguez, Luis. I, *Misión de Luis I. Rodríguez en Francia: La protección de los refugiados españoles julio a diciembre de 1940*, México, El Colegio de México, Secretaría de Relaciones exteriores, 2000, p. 20.

³² Fabela, Isidro y Rodríguez, Luis I, *Diplomáticos de Cárdenas: una trinchera mexicana ...*, cit., pp. 96, 97.

³³ Hernández de León-Portilla, Ascensión, *El exilio español en México: Cuatro ...*, cit., p.75.

great technicians who were there (in France) ... He told me: “See all that, and subject to necessary agreements, see the matter ... on the other hand, the situation is already quite delicate. And you need certain amplitude of action, right? ... “That was not a resource to use then, but later when that volume of six hundred thousand Spaniards came to France, all of that had to be seen ... Then it was necessary to have those faculties, that amplitude of authorization to act according to the circumstances.”³⁴

As it can be seen from the previous paragraph, Bosques presented an initiative about how to locate Spanish refugees in Mexico. This idea pleased Cárdenas and he gave Bosques his support and a wide range of action to carry out the necessary agreements. Within this amplitude of action, the Mexican representative disposed of his relations with the International Committee for Refugees that operated in Switzerland and the International Committee of Artists and Writers; who “contributed with resources to obtain the tickets”,³⁵ to protect the refugees and to register people who were outside the admission lists.

Later, Hitler’s invasion to France in 1940, “led to the direct occupation by the German army of three fifths of the country, and the establishment of a new French regime, based in Vichy.”³⁶ For this reason, the consulate was to be moved from Paris to an unoccupied area, about which Bosques recounts:

Well, with already the state of war, the Secretary of Foreign Affairs authorized me to establish the Consulate in a place I thought suitable. After the evacuation of Paris, the consulate was established in Bayonne, in France; but when the occupied area was delimited ... I thought it was convenient to move the consulate to a place that was ... far away from the territorial limits of the occupation ... From the possible sites, the one I considered suitable according to my judgement was Marseille. It was a quite adequate site ... to help the Spaniards.³⁷

From this paragraph, it can be observed how Gilberto Bosques had a wide range of action, which allowed him to make important decisions, such as the location of the new consulate.

The Franco-Mexican Agreement, did not only open the possibility for refugees in France to go to Mexico, but it also allowed the Mexican government to receive under its protection those who were still in French territory.³⁸ Gilberto Bosques, “assumed their direct protection through the establishment of two castles (La Reynarde and Montgrand) in which the fluttering Mexican flag reassured its own and established for the rest the national jurisdiction under which they

³⁴ PHO/ Entrevista realizada a Gilberto Bosques, realizada por Graciela de Garay, el 4, 11, 18 y 25 de septiembre y 3, 17 y 23 de octubre de 1986, en la Ciudad de México. México: Archivo de la Palabra del Instituto de Investigadores Dr. José María Luis Mora

³⁵ de Garay, Graciela, *Recordar para comprender: Gilberto Bosques Saldivar. Testimonio de un defensor de los derechos humanos (1892-1995)*, Bicentenario El Ayer Y Hoy De México, México, 2012.

³⁶ DANIELA GLEIZER, *Gilberto Bosques y el consulado de México en Marsella (1940-1942). La burocracia en tiempos de guerra. Estudios de historia moderna y contemporánea de México*, México, vol. 49. 2015.

³⁷ GRACIELA DE GARAY, *Recordar para comprender: Gilberto Bosques ...*, cit., ...

³⁸ RICHARD GRABMAN, *Bosques’ war: how a mexican diplomat saved 40,000 from the nazis (and maybe prevented world war iii)*, Editorial Mazatlán, Mexico, 2011, p. 18.

were³⁹ protected. The negotiation for the rent of these castles was based mainly on the law of nations which resulted in the castles becoming shelters. Bosques states that for the establishment of these shelters, “in circumstances that were not precisely favorable ... it was necessary to employ ... measures that were not foreseen and for which there was no express authorization on the part of the Secretary of Foreign Affairs”.⁴⁰

Under normal circumstances, according to the general characteristics of the consular mission in international law, “the consuls ... are designated only with limited powers and for a specific territorial circumscription ... They are agents of the State, but with limited competence *ratione materiae* and very often also *ratione loci*”.⁴¹ However, due to the situations that arose in France with the German occupation and the massive arrival of refugees, the actions of Gilberto Bosques “supported by other officials, were not only of a diplomatic nature as representative of Mexico, they went beyond their trade, saving thousands of lives, and allowing with this the continuity of generations that otherwise could not have existed”.⁴²

CONCLUSION

After considering the three narratives it is relevant to ask the question: Would the outcome had been different without these diplomats? In the case of the Spanish refugees there was a clear foreign policy and instructions that came direct from the President to protect them. This means that regardless the diplomats in turn, there was a clear line of action to follow. Nevertheless, it can be argued that without the initiatives taken by these diplomats, the outcomes might not have been as successful. The importance of their role lies on the decisions they took, regardless the foreign policy traced for them to follow. Although in the case of the Spanish refugees the foreign policy was in line with their actions; this was not the case for the Jewish refugees, where the foreign policy stance on the part of the Mexican government was not consistent nor clear; and the entrance of certain groups of refugees was prevented.⁴³ Regarding Jewish refugees, “Cárdenas left the matter in the hands of the Minister of the Interior, aware that his position was openly against Jewish immigration.”⁴⁴ In spite of this, the actions carried out by diplomats such as Gilberto Bosques were still focused on solidarity and protection of refugees, including Jews. Evidence of this is the fact that Gilberto Bosques is identified by the media as the Mexican Schindler;⁴⁵ and he and Isidro Fabela, are

³⁹ DANIELA GLEIZER, *Gilberto Bosques y el consulado de México, ... cit., ...*

⁴⁰ GRACIELA DE GARAY, *Recordar para comprender: Gilberto Bosques ..., cit., ...*

⁴¹ JAROSLAV ZOUREK, *Relaciones e inmunidades Consulares*, Anuario De La Comisión De Derecho Internacional, Vol. II, Naciones Unidas, 1957, p.86.

⁴² CDH, *Boletín 360/2010 Recuerdan a Gilberto Bosques, hombre de coherencia, integridad y ética*, 2010.

⁴³ DANIELA GLEIZER SALZMAN, *El exilio incómodo*. México, El Colegio de México, Centro de Estudios Históricos, 2011, p. 303.

⁴⁴ *Ibidem*.

⁴⁵ El País, GILBERTO BOSQUES SALDÍVAR, “El ‘Schindler mexicano’” EL PAÍS: https://elpais.com/elpais/2017/07/20/actualidad/1500565223_244353.html

the “only Mexicans considered to be *righteous among the nations* by the Israeli authorities⁴⁶ for their contribution to refugees during this period, showing consistency in their actions.

The present investigation concludes that as far as the Spanish republican asylum is concerned, although it was the responsibility of the diplomats to execute the foreign policy guidelines determined by the Head of State, they conditioned the work of asylum; showing an attitude of solidarity, informal actions in favor of the refugees and recommendations to the Executive. The legal and political contexts in Mexico were suitable for receiving Spanish refugees, but the success of the agreements and means taken in order to lead twenty thousand Spanish refugees to Mexico and many more under Mexican protection in French soil were a result of the ends and purposes each diplomat had to save the lives of Spanish refugees who looked for an opportunity to be free.

*If in the interpretation of the gallant and transcendent attitude of Mexico I exceeded my statutory powers, I am willing to drag the consequences and the appropriate sanction. I do not think so.*⁴⁷

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⁴⁶ ISIDRO FABELA y LUIS I RODRÍGUEZ, *Diplomáticos de Cárdenas: una trinchera mexicana ...*, cit., p. 19.

⁴⁷ HUGO MORALES GALVÁN, *Gilberto Bosques Saldívar. México: Comisión de Derechos Humanos del Distrito Federal*, México, 2010.

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