

TECHNICAL OBSERVATIONS ON THE IMPACTS OF THE REFORM TO THE FEDERAL LAW FOR THE PREVENTION AND IDENTIFICATION OF OPERATIONS WITH RESOURCES OF ILLICIT ORIGIN ON NONPROFIT ORGANIZATIONS IN MEXICO

On July 16, 2025, the reform to the Federal Law for the Prevention and Identification of Operations with Resources of Illicit Origin (“LFPIORPI”), as well as to the Federal Criminal Code (“CPF”) (hereinafter, the “Reform”), was published in the Official Gazette of the Federation. The Reform entered into force on July 17, 2025. Among other matters, the Reform expanded the catalogue of obligations that must be complied with by those subjects who carry out vulnerable activities.

The Reform was adopted in the context of, and because of, the upcoming evaluation that the Financial Action Task Force (“FATF”) will conduct of Mexico, scheduled for March 2026, as a follow-up to the recommendations issued during the 2018 evaluation.

This reform is part of a broader context affecting Mexican nonprofit organizations (“NPOs”), characterized by overregulation and a lack of legislative harmonization across tax, administrative, and anti-money laundering (“AML”) obligations, which in many cases overlap—applying a “one-size-fits-all” approach without a risk-based analysis.

This document analyzes the implications of the Reform for NPOs, which in Mexico represent a low risk in terms of money laundering and terrorist financing, and provides evidence of how the Reform imposes disproportionate burdens that threaten the sustainability and continuity of their social and humanitarian work.

1. AMENDED REGULATORY FRAMEWORK AND NEW OBLIGATIONS FOR NPOs

The receipt of donations by nonprofit associations and societies is classified as a vulnerable activity under the LFPIORPI (Article 17, section XIII). This provision does not stem from the Reform; rather, it was already included in the original text published in the Official Gazette of the Federation on October 17, 2012.

Accordingly, NPOs that receive funds in the form of donations are considered obligated parties under said law, provided that such donations exceed the identification threshold equivalent to 1,605 times the Unit of Measure and Update (“UMA”), which in 2025 is equivalent to MXN \$181,589.70 (or approximately USD \$10,000), or that they exceed the reporting threshold of 3,210 UMAs, which in 2025 is equivalent to MXN \$363,179.40 (or approximately USD \$20,177).

Accordingly, **even prior** to the Reform, NPOs, as obligated parties, are required to comply with the following obligations:

- Identify clients and users (donors) by creating and maintaining a single, unique identification file for each of them;
- Request information on donors' activities or occupation;
- Request information from donors as to whether they are aware of the existence of the beneficial owner (controlling beneficiary);
- Safeguard the documentation supporting the transactions carried out for a period of up to five (5) years from the date on which they were conducted;
- Prepare an internal policies and procedures manual setting out the criteria, measures, and procedures necessary to comply with the LFPIORPI;
- Cooperate with and facilitate verification visits carried out by the Tax Administration Service (SAT); and
- File reports¹ to the Ministry of Finance and Public Credit (SHCP).

With the Reform, the catalogue of obligations applicable to persons who carry out vulnerable activities was expanded, including NPOs that receive donations exceeding the thresholds referred to above. Among these obligations, the following stand out:

- Obtain documents or other means of identification that include **official recognition**, allowing the beneficial owner to be identified.
 - In this regard, it is important to note that the Reform amended certain bases for determining the beneficial owner². With respect to the effective control of legal entities, effective control is deemed to exist when the ownership of **voting rights representing more than 25% in the general assembly of members** (or its equivalent) is maintained, whereas, prior to the Reform, this threshold was 50%.
- **Retain**, at the obligated party's domicile, **records** in physical and electronic form sufficient to reconstruct the transactions (including any communications exchanged), **for at least ten (10) years** from the date the transaction was conducted (five additional years).
- If there is a suspicion that the funds involved in the transactions they carry out may be of illicit origin, **a report must be filed within the next twenty-four (24) hours following such suspicion**, even if the transaction has not been completed.
- Identify, analyze, **understand, and mitigate transactions** based on the likelihood that they could be used to carry out money laundering activities.

¹ Three types: (i) monthly reports (when the threshold is exceeded); (ii) 24-hour reports (triggered by suspicion, even if the transaction is not completed); and (iii) monthly "zero" reports (i.e., reporting no transactions) or reports pursuant to Rule 27 Bis. Transactions must be aggregated over periods of up to six (6) months.

² Article 3 of the LFPIORPI defines the concept of beneficial owner as the natural person or group of natural persons who, ultimately: (a) benefit from the use, enjoyment, usufruct, exploitation, or disposal of the good or service resulting from the performance of the act or transaction with the person with whom a vulnerable activity is carried out; or (b) exercise effective control over a legal entity which, in its capacity as a client or user, carries out such acts, as well as the persons on whose behalf it carries out any of them.

- Prepare an internal policies and procedures manual setting out the criteria, measures, and procedures necessary to comply with the LFPIORPI, including those aimed at identifying and monitoring the acts and transactions they carry out with “Politically Exposed Persons” (“PEPs”).
- Develop **personnel screening processes and adopt training programs** for administrators, officers, compliance personnel, and staff.
- Implement automated mechanisms to monitor and control transactions that could qualify as vulnerable activities; and
- Be subject to review by **internal and external auditors**.

2. REGULATORY DISPROPORTIONALITY IN LIGHT OF THE ACTUAL RISK PROFILE OF NPOs IN MEXICO

- Risk-based assessment

FATF Recommendation 1 provides that countries must identify, assess, and understand their money laundering and terrorist financing risks. Based on that assessment, they must apply a risk-based approach³, so that the measures implemented by each country are grounded in the risks identified and, consequently, are proportionate to those risks.

In this sense, countries must carry out the relevant assessments and, once they have identified the risks associated with each activity considered “vulnerable” for anti-money laundering purposes, they must implement measures aligned with the risk level of each activity, so that such measures are proportionate to that level (low, medium, or high). For these assessments, as the FATF states, “It is vital that efforts to identify NPOs and assess terrorist financing risk include the participation of NPOs.”⁴

For these purposes, in 2023 the Ministry of Finance and Public Credit (SHCP) issued a document entitled *National Risk Assessment of Money Laundering and Terrorist Financing*, which sought to comply with FATF Recommendation 1 and to classify different activities according to their level of risk. **In this regard, it noted that the risk associated with the receipt of donations is “medium-low.”**⁵

- Risk level and proportionality of the measures adopted for NPOs

³ **“Risk assessment and application of a risk-based approach.** Countries should identify, assess, and understand their money laundering/terrorist financing risks, and should take measures, including designating an authority or mechanism to coordinate actions to assess risks, and applying resources aimed at ensuring that the risks are effectively mitigated. Based on that assessment, **countries should apply a risk-based approach (RBA) to ensure that measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified**. This approach should be an essential foundation for the efficient allocation of resources across the anti-money laundering and counter-terrorist financing (AML/CFT) regime and the implementation of risk-based measures throughout the FATF Recommendations. Where countries identify **higher risks, they should ensure that their AML/CFT regimes adequately address such risks**. Where countries identify **lower risks, they may decide to allow simplified measures** for some FATF Recommendations under certain conditions. [...]”

⁴ <https://www.fatf-gafi.org/content/dam/fatf-gafi/guidance/BPP-Combating-TF-Abuse-NPO-R8.pdf.coredownload.inline.pdf> p.18

⁵ <https://www.pld.hacienda.gob.mx/work/models/PLD/documentos/enr2023.pdf> (Spanish) pp. 66-67

In addition, **FATF Recommendation 8** states that countries must identify nonprofit organizations (“NPOs”) and assess their terrorist financing risks, **adopting targeted, proportionate, and risk-based measures that do not unduly hinder legitimate activities.**

Accordingly, under the risk-based approach and proportionate measures that countries must apply when implementing preventive measures—and considering that the receipt of donations by NPOs is classified as a “medium-low” risk activity—it is not appropriate to impose on them the same obligations as those applicable to activities with significantly higher risks (such as financial institutions). As the FATF indicates, **“the over-application of measures creates unnecessary administrative burdens for competent authorities and limits the operating space of NPOs.”**

Additionally, **FATF Recommendation 10** sets out the basis for financial institutions to implement customer due diligence and indicates that the measures adopted should be applied under a risk-based approach. However, when these measures are anchored in a single regulatory framework that does not distinguish among risk levels, both high-risk persons or entities and low-risk ones—such as NPOs—end up facing the same barriers to access the financial system. This situation is concerning, as it increases the financial exclusion of the NPO sector and hinders its access to essential services, a phenomenon commonly referred to as “*de-risking*”⁶.

Finally, as the FATF’s Best Practices document points out “46. R.8 does not require or intend countries to designate or supervise NPOs as reporting entities. FATF Recommendations do not require NPOs to conduct customer due diligence (“CDD”), nor do they require NPOs to undertake other preventative measures, such as detection and reporting of suspicious activity, along the lines of Recommendation 20. Indeed, unlike FIs and DNFBPs, NPOs do not have customers to whom they provide services; they have donors whose funds pay for the NPOs’ activities. That is a fundamentally different relationship”.

- Simplified measures

Article Fourth Transitory, section II, of the Reform provides that nonprofit associations and societies may apply simplified compliance measures according to their level of risk. These measures must be applied during the six (6) months following the publication of the general rules; however, since such rules must be published within twelve (12) months of the Reform’s entry into force, the effective implementation of simplified measures may not materialize until January 2027.

This prolonged timeframe creates significant uncertainty for NPOs with respect to compliance with their obligations, particularly because there is a possibility that requirements could be applied retroactively. In the meantime, NPOs will continue allocating a significant number of resources to compliance with the applicable provisions, further undermining their ability to achieve their objectives, as detailed in the following section.

⁶ In the FATF context, the term “de-risking” refers to the practice whereby financial institutions or other obligated entities decide to terminate, restrict, or avoid business or financial relationships with clients, sectors, countries, or categories of persons perceived as high risk for money laundering or terrorist financing, rather than managing those risks on an individualized and proportionate basis.

3. Impact and consequences of the Reform on the operations of NPOs in Mexico

Based on the analysis of the Reform to the LFPIORPI, in comparison with international AML/CFT standards, the following general conclusions may be drawn:

- Nothing in the text of the LFPIORPI indicates the incorporation of differentiated obligations based on the level of risk posed by different types of NPOs in Mexico. This results in a “one-size-fits-all” approach, requiring NPOs to allocate significant human and financial resources to compliance, thereby reducing the resources available to pursue their legitimate activities.

Actions aimed at supporting compliance with these obligations have a direct impact on authorized donees organizations under Mexican tax law, as they entail additional expenses for legal advice, control systems, reporting, audits, and training. Because these are accounted for as administrative expenses, they increase the percentage allocated to that category and put pressure on the 5% cap on administrative expenses established by tax regulations for authorized donees.

- NPOs are required to identify their clients and users (donors) by compiling a single, unique identification file for each of them—that is, by conducting customer due diligence processes.

This entails collecting and retaining sensitive information on beneficial owners, including data relating to vulnerable persons and to the donors themselves. In addition to the risks associated with handling personal data, this obligation may also discourage donations, as it may be perceived as intrusive or excessive.

- The rigidity of customer identification measures has led various institutions to limit or restrict such access through so-called “de-risking,” increasing the financial exclusion of the sector and hindering NPOs’ access to essential services needed for their sustainability.
- There is a lack of proportionality in the compliance measures that affects the resources available to NPOs and undermines fundamental rights, such as freedom of association, by discouraging individuals from engaging with these organizations and limiting the continuity of their activities—activities that are intended precisely to safeguard the rights and well-being of the communities they serve.

In order to gather evidence on the impact of the legislation on NPOs’ work, an analysis was conducted of the SAT’s registry of authorized donees, along with a survey in which 430 organizations from 29 federal entities across the country participated, as well as a focus group analysis involving 24 domestic and international donors engaged in social and philanthropic work in different states of the Mexican Republic. Among the most relevant findings, the following were noted:

- NPOs face a higher administrative and financial burden to comply with the applicable regulatory framework, allocating more resources to hiring specialized firms or external accounting services. This investment jeopardizes their sustainability, particularly in the case of authorized donees, by forcing them to assume administrative expenses that,

by law, must not exceed 5% of their income (from donations). This restriction limits their ability to comply simultaneously with their legal obligations and their social purposes.

- At the same time, they face obstacles in obtaining the required documentation from domestic and foreign donors, with difficulty in securing: 39.5% official identification documents from donors; 35.6% proof of address; 31.2% the Social Security number of representatives of foreign entities; and 29.8% the Mexican Taxpayer Registry (RFC) of Mexican legal representatives. Donor entities' uncertainty and perception of insecurity in providing this information is associated with the fact that it constitutes sensitive data, the lack of guarantees regarding its proper handling by Mexican authorities, and—in the case of foreign donors—that providing it may contravene personal data protection laws in their countries of origin. In addition, when such information is not provided, many donations are not made due to fear of non-compliance.
- With respect to internal capacities, while 46.2% of authorized donees are in states with higher levels of infrastructure (Mexico City, the State of Mexico, Jalisco, and Nuevo León), more than half of NPOs operate in states and contexts where access to information, internet connectivity, and financial services is limited. This poses a significant challenge for the implementation of complex regulatory requirements. It also underscores the need to improve access to information and services in lower-infrastructure regions.
- There are already indications that NPOs' bank accounts are being closed because of de-risking measures imposed by banking institutions, which perceive the sector as high risk.
- There is evidence of disproportionate sanctions ranging from 200 times the daily UMA value—equivalent to MXN \$22,628.00 (approximately USD \$1,234.73)—to 65,000 times the daily UMA value—equivalent to MXN \$7,354,100.00 (approximately USD \$401,286.69). When these figures are compared with organizations' revenues, the disproportionality becomes evident: according to the SAT's 2024 transparency reports, 73.1% of authorized donees reported annual revenues of less than MXN \$5 million, and nearly half (49.7%) reported revenues below MXN \$1 million.

It should be noted that the implications identified through the survey correspond to the regulatory framework applicable prior to the Reform. Accordingly, the challenges expressed by NPOs are expected to intensify once the new provisions take effect, due to the expanded obligations under the LFPIORPI.

The foreseeable result will be a reduction in civil society organizations' projects, a loss of reach to the individuals and communities that depend on their services, and the closure of organizations that amplify the voices of those communities.

4. RISK OF CONFUSION AMONG TERRORISM, TERRORIST FINANCING, AND ORGANIZED CRIME IN THE RECOMMENDATIONS FOR MEXICO

Within the framework of anti-money laundering and counter-terrorist financing (AML/CTF) policies, there is growing concern about a trend toward importing into Mexico's civil and administrative sphere a regulatory logic grounded in criminal law. This trend has been driven primarily by the United States government, which has proposed classifying Mexican cartels as Foreign Terrorist Organizations (FTOs), thereby blurring the boundaries between organized crime and terrorism, notwithstanding that such a classification lacks support under international law.

Whereas terrorism is characterized by the use of violence for political, ideological, or religious purposes, drug trafficking pursues essentially economic ends. In this regard, civil society organizations share the Financial Action Task Force's (FATF) view that actions should be guided by international conventions and treaties relating to terrorism, and we warn of the risk that unilateral measures may further undermine the work of NPOs.

5. PROPOSALS IN THE CONTEXT OF MEXICO'S MUTUAL EVALUATION PROCESS BEFORE THE FATF AND FUTURE COLLABORATION

As part of Mexico's AML/CFT system, NPOs play a strategic role and are therefore committed to contributing to its strengthening and improvement through dialogue, coordination, and collaboration—not only within the framework of the country's Mutual Evaluation process before the FATF, but also on an ongoing and permanent basis.

Accordingly, a set of constructive proposals is set out below to foster and consolidate engagement with the competent authorities, particularly the SAT and the Financial Intelligence Unit (UIF), as follows:

- Establish a working group among representatives of NPOs, the SAT, and the UIF to address matters of mutual interest on a regular basis and to support the development of joint actions for training and disseminating AML/CFT policies within the sector.
- Participate and collaborate closely in the development of the General Rules applicable to the NPO sector and provide technical input on legislation and implementing provisions with the aim of harmonizing concepts and terminology.
- Provide technical input to support the development of the risk-based study, contribute to identifying at-risk subsectors, and support the design of proportionate measures.
- Identify areas for optimization to avoid the duplication of reporting to various Mexican government authorities, as well as to ensure recognition of the conditions of financial exclusion and informality in parts of the country where the population predominantly served by NPOs is concentrated.
- Participate actively, constructively, and responsibly in the National Risk Assessment process to identify the NPOs operating in Mexico and the level of risk they represent.

- Participate in the development and proposal of simplified measures, the identification of self-regulatory practices in place within the NPO sector, and the prevention procedures that already exist in the financial and banking system and that govern the sector's transactions.
- Participate in and contribute to the joint development of typologies, guidance documents, and best practices that facilitate an understanding of the role NPOs play within Mexico's AML/CFT system.
- Share experiences and evidence regarding the impact that the current legal framework may have on the sector's financial exclusion, particularly because of the phenomenon known as "de-risking."
- Participate in and contribute to harmonizing AML/CFT obligations with tax requirements and personal data protection provisions.

6. CONCLUSIONS

NPOs play an important role in Mexican society, as they are organizations that, through the development of their activities, meet a range of social needs and, to do so, must devote all their resources to that work.

Accordingly, the AML compliance measures applicable to NPOs should be proportionate to the activities they carry out, considering their risk profile, and should also be compatible with the promotion and protection of fundamental rights. Regulation that, under the pretext of crime prevention, inhibits NPOs' operations not only undermines their legitimate work, but also limits the country's capacity to sustain social efforts.

This document is intended to serve as a technical instrument enabling the civil society sector to articulate and formulate a common position in the context of the FATF's 2026 evaluation, with the aim of ensuring that the specific circumstances of NPOs in Mexico are recognized and that regulation proportionate to their actual level of risk is promoted.

Mexican NPOs underscore the importance of constructive and ongoing dialogue with the FATF and national authorities to implement international recommendations and to establish a robust legal framework that avoids duplications and contradictory requirements, strengthens legality and access to the financial system, and includes effective measures to combat illicit activities. In this regard, NPOs express their willingness to continue collaborating with the authorities to follow up on the FATF's recommendations and, specifically, to foster an enabling environment for their legitimate activities.

Sincerely,

Abrapalabra
Acento Acción Local
Agrupación Golfo Karate-Do AGK, A.C.

Albergue para Adultos Mayores Sarita Castro, I.A.P.
Alternativas y Capacidades
Ambulante
AMCSO, A.C.
Amigos de Rendas para la Vida, A.C.
Amnistía Internacional México
Angelitos de Cristal, I.A.P.
APAPACHADOGS, A.C.
Apapache A Apoyo para Padres con Hijos en Espectro Autista
Árbol de la Vida, A.C.
Artículo 19 México
Asociación Mexicana de Transformación Rural y Urbana, A.C.
Asociación Centro de Rehabilitación para Ciegos, I.A.P.
Asociación Horizontes Tamaulipas, A.C.
Asociación Mexicana de Ayuda a Niños con Cáncer en Querétaro, I.A.P.
Asociación Mexicana de Promoción y Cultura Social, A.C.
Asylum Access México (AAMX), A.C.
Barrio Cerro de la Campana, A.C.
Cambio Sistémico, A.C.
Camino Nuevo, A.C.
Cáritas de Guadalajara, A.C.
CartoCrítica, A.C.
Casa CEM – Vías Verdes, A.C.
Casa de Rehabilitación para Enfermos de Alcoholismo Jóvenes en Acción, A.C.
Casa Gaviota: Un Vuelo sin Violencia, A.C.
Casa Hogar para Adultos Mayores San José, I.A.P.
Casa Hogar Santa Julia Don Bosco, A.C.
Centro Comunitario Santa Fe, A.C.
Centro de Educación Especial Guadalajara (CEDUE), A.C.
Centro de Enlace y Desarrollo para las OSC, A.C.
Centro de Formación para la Mujer, I.A.P.
Centro de Investigación y Estudios sobre Sociedad Civil, A.C.
Centro de Justicia para la Paz y el Desarrollo
Centro Integral de Rehabilitación Infantil, A.C.
Centro Mexicano para la Filantropía (CEMEFI), A.C.
Centro Organizado de Recursos Alimentarios y Servicios Omnímodos para Niños,
A.C.
Centro Regiomontano de Educación Especial, A.C.
COEO Consultores
Cohesión Comunitaria e Innovación Social
Colectivo Pro Derechos de la Niñez
Colectivo Seres, A.C.
Comité Pro Becas Sonora, A.C.
Comunicación para la Inclusión, A.C.

Construyendo Capacidades en las Organizaciones de la Sociedad Civil (FORTALESSA), A.C.
Construyendo Comunidades Integrales, A.C.
Construyendo Organizaciones Civiles Transparentes, A.C.
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Dakshina, A.C.
DECA, Equipo Pueblo, A.C.
Desértica, Soluciones Endovasculares, A.C.
Diálogos Intergeneracionales
Dignidad y Justicia en el Camino, A.C. (FM4 Paso Libre)
Ecología, Sustentabilidad e Innovación, A.C.
El Sendero Fuente de Amor y Servicio, A.C.
Elementa Derechos Humanos
Emmana Social
En-Co Mariposa Blanca, A.C.
Enseña por México, I.A.P.
EPI México
Equipo de Educación para la Paz y los Derechos Humanos del Estado de Durango, A.C.
Equis Justicia para las Mujeres
Espiral por la Vida, A.C.
Expresión Social por un Trato Integral
Extiende tu Mano a la Esperanza, A.C.
Faro de Luz para Ti en Cuauhtémoc, A.C.
Fin de la Esclavitud, A.C.
Fondo de Conservación El Triunfo, A.C.
Fondo Potosino, A.C.
Fondo Pro-Cuenca Valle de Bravo, A.C.
Fondo Semillas
Fortalecedora de Asociaciones Civiles de Cuauhtémoc, A.C.
Frontera con Justicia, A.C. (Casa del Migrante de Saltillo)
Fundación Appleseed México
Fundación Ávila Cruz, A.C.
Fundación Catzi
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Fundación Valentina Arrigunaga Peón, A.C.
Fundación CyK México Escucha, A.C.
Girl Up ALC, A.C.
Grupo de Información para la Reproducción Elegida
H. Cuerpo de Bomberos Voluntarios del Municipio de Ciudad Fernández, A.C.
Impulsora de la Cultura y de las Artes, I.A.P.
Iniciativa Manifiesta tu Ciudadanía
Iniciativas para el Desarrollo de la Mujer Oaxaqueña (IDEMO), A.C.
Instituto Calera, A.C.
Instituto de Liderazgo Simone de Beauvoir
Ixchel, Acompañamiento Médico y Logístico
Juntos Cambiando Vidas, A.C.
La Liga de la Leche de México
Luchadoras
Marcas Consulting, S.A. de C.V.
Mentoralia
Méhico, Casa Productora de Cambio Social, A.C.
Mexicanos Primero Visión 2030, A.C.
Movimiento por el Desarrollo Integral Humano y Cuidado del Medio Ambiente, A.C.
Niños de Bobashi
Oficina de Defensoría de los Derechos de la Infancia
Ollin, A.C.
Organización ORT de México, I.A.P.
Oxfam México, A.C.
Oxigene, Servicios Múltiples para la Familia
Palito y Toto Piden un Deseo, A.C.
Pilhuancalli Montessori Neuromotor
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Pro Salud
Proyecto Cantera Juntos por México, A.C.
Quinta Amigo, A.C.

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UNIDOSC
Voluntarias Vicentinas, A.C.
Voz Pro Salud Mental Jalisco, A.C.
yCo. Centro de Fortalecimiento