HARMFUL RETURNS
THE COMPOUNDED VULNERABILITIES OF RETURNED GUATEMALANS IN THE TIME OF COVID-19

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Cover Photo: Migrants, part of a group of 76 Guatemalans deported from the United States, wear face masks as a preventive measure against the novel coronavirus COVID-19 as they board a bus upon landing at the Air Force base in Guatemala City on May 4, 2020. (Photo by Johan OR-DONEZ / AFP via Getty Images).
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SUMMARY

In recent years, the United States and Mexico have taken a series of steps that make it easier to return Guatemalans back to their home country. These steps include policies and programs related to detention, deportation, and limits in asylum, such as the Remain in Mexico program (officially called the Migrant Protection Protocols or MPP by its acronym). These measures force home many Guatemalans with valid refugee claims who are at risk of persecution upon return. Others have legitimate fears for their security and safety when they get home because returnees are at greater risk of becoming targets of violence and extortion. Once back, Guatemalans often struggle to reintegrate. They face unique challenges in earning a livelihood; and women, indigenous groups, and children face particular barriers to accessing many basic public services. Also, health care is lacking, particularly for psychological or specialized services.

Deportations and returns carried out in the midst of the COVID-19 pandemic compound these challenges and contribute to the spread of the virus. Indeed, at the end of April 2020, deportees from the United States made up nearly 20 percent of the 500 coronavirus cases in Guatemala and, as of early June, deportees continue to test positive for COVID-19 upon arrival in Guatemala despite having clean bill of health documents from the United States.

In the United States, the administration has responded to the pandemic by insisting on continued detention of asylum seekers by Immigration and Customs Enforcement (ICE) rather than using alternatives that would allow for social distancing. On May 24, 2020, a 34-year-old Guatemalan man was the second detainee to die from COVID-19 in ICE custody. The United States is also making it more difficult for unaccompanied children in the care of the Office of Refugee Resettlement (ORR) to unite with relatives already in the country. In addition, the administration has expanded its efforts to deport children to Guatemala—both children in the custody of the ORR or those who have just crossed the border and been picked up by Customs and Border Protection (CBP).

Since late March, under the claimed authority of Title 42 of the Public Health Safety Act, CBP has expelled Guatemalan asylum seekers to Mexico without any fear screening. Singling out asylum seekers in this way is neither justified nor necessary for public health; an alternative

safe screening process could be adopted at the border. Before invoking Title 42 authority, CBP placed thousands of asylum-seeking Guatemalans in the MPP program, and they continue to live in dangerous and poor conditions in northern Mexico. Health care workers in Tijuana, Ciudad Juarez, and Matamoros warn that conditions for asylum seekers waiting there will make an outbreak of COVID-19 a "public health disaster." This disaster could be averted through parole of those in MPP to homes of family and friends in the United States, a circumstance that would be available to the vast majority of them, and allowing for social distancing, quarantine, and isolation.

Mexico has worked to reduce the number of people in detention during the pandemic; as of May 27, 2020, 234 migrants remained in detention across Mexico’s 65 migration detention centers. Although the number of detained migrants has been greatly reduced since March, Mexico has returned nearly 5,000 Central Americans to their home countries since the pandemic began. Four adolescents deported from Mexico had tested positive for COVID-19 as of May 20, but the number of deportees could be higher because it is difficult to track these cases, given that many Guatemalans return through informal channels, frequently after being bused from the north and abandoned near the Guatemalan border.

In Guatemala, the government has focused its efforts on providing some basic reception services for deportees and other returnees. However, it has struggled to provide meaningful reintegration programs. The pandemic has exacerbated the impact of this failure. If a returnee has been exposed to COVID-19 or is COVID-19 positive upon arrival, there are few if any health care services to treat them, nor is there adequate shelter to allow for either quarantine or isolation.

Guatemalans deported during the pandemic arrive home to face rising levels of food insecurity and a stagnant economy further hobbled by border closures and movement restrictions. Adults and children alike face stigma and a growing risk of violent attack as fear and misinformation about the disease continue to spread. A senior UN aid official in Guatemala recently observed

9. INM, “Da seguimiento a las medidas cautelares emitidas por @CNDH,” Twitter, May 29, 2020, 8:15 p.m., https://twitter.com/INAMI_mx/status/1266523701467475968.
that “many communities are rejecting returnees because they fear being infected.” Indeed, even those returnees who test negative for COVID-19 have been violently attacked.\textsuperscript{12}

Refugees International has called for testing before deportation, and the Guatemalan government has required evidence of such testing from the United States. However, U.S. authorities are not conducting comprehensive and effective testing, and deportees continue to test positive upon arrival in Guatemala.\textsuperscript{13} This situation puts additional strain on the Guatemalan government and civil society, which already lack an adequate response.

**RECOMMENDATIONS**

**To the United States Government:**

- Release from detention all Guatemalans who have passed their credible fear interviews or are at a higher risk of succumbing to COVID-19 owing to age or pre-existing medical conditions.
- Release Guatemalan unaccompanied children from the custody of the ORR into the care of sponsors in the United States.
- Ensure that Guatemalans seeking asylum and humanitarian protection at the border are afforded access to screenings as required under domestic and international law.
- Guatemalans in the Remain in Mexico (MPP) program should be paroled to friends and family in the United States to await their asylum hearings. Guatemalans in MPP who have been “deported in absentia” after returning to Guatemala should be able to reopen their cases.
- Institute a temporary moratorium on deportations to Guatemala during the pandemic.
- Fund reintegration programs for returned Guatemalans, including efforts to remove barriers to economic integration, providing loans and job trainings, and offering additional support for women and indigenous groups. This funding should also support efforts to contain and mitigate the coronavirus pandemic, such as providing medical equipment and cash transfer programs.

**To the Mexican Government:**

- Institute a temporary moratorium on voluntary returns and deportations to Guatemala during the pandemic. Once the pandemic eases, coordinate with the Guatemalan government.


government to ensure that returns are conducted through regular routes, with proper health checks before return.

- The Mexican National Migration Institute should properly screen those Guatemalans who arrive at the Mexico-Guatemala border for international protection and allow those who wish to do so to apply with the Mexican Commission for Refugee Assistance (COMAR).
- End the detention of migrant and refugee children in immigration facilities in accordance with Mexican law and invest in additional open-door shelter options for migrant and refugee children. Train immigration and child welfare officials to provide child-friendly information about their right to seek asylum. In determining where it may be in the child’s “best interest” to reside, Mexican child protection officials should consider the United States as a possible destination.

**To the Guatemalan Government:**

- Provide proper shelters for returned Guatemalans to quarantine upon arrival and ensure that they have access to necessities such as food, water, and sufficient space to maintain a safe distance from others.
- Conduct multilingual information campaigns in Mayan languages and Spanish to combat stigma directed at deportees released from coronavirus quarantine. Coordinate with returnee organizations to provide social support and community reintegration.
- Work with international humanitarian, civil society, and church organizations to provide emergency support services to vulnerable Guatemalans, including returnees. These services should include measures to mitigate the impacts of the pandemic. Look to the best practices of cash-based transfer programs, food distribution, and mobile clinics that other countries in the region are implementing.
- Strengthen reintegration programs for Guatemalan deportees and returnees that include targeted services for women, girls, and indigenous groups. Work with civil society organizations with experience in reintegration to build from their best practices and include programs tailored to returnees’ culture, gender, and location.
BACKGROUND

Deportations from the United States and Mexico to Guatemala have increased over the past decade, but recent policy changes make it easier for these countries to deport people quickly, often without proper screening regarding their protection needs. In 2019, the United States deported nearly 55,000 Guatemalans to Guatemala. Mexico and the United States voluntarily returned 96,740 people the same year.

Pre-COVID 19 Policy Changes in the United States

Since 2014, the United States has responded to increased forced migration of children and families from Guatemala (as well as El Salvador and Honduras) with a strategy of deterrence through detention. Yet the Obama administration also created the Central American Minors program to allow parents in the United States to apply to bring their children to the United States as refugees.

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REFESE OVERVIEW

Refugees International traveled to Guatemala in February of 2020 to assess the protection landscape for deportees and returnees from the United States and Mexico. The team traveled to Quetzaltenango, Salcajá, and Guatemala City. They interviewed Guatemalan asylum seekers and migrants who were deported or returned from the United States or Mexico. The team also interviewed staff of various returnee organizations and of local and international NGOs as well as U.S. and Guatemalan government representatives.

Family separation and detention of children: The Trump administration canceled this program in 2017, began prosecuting relatives who paid smugglers to bring children to the United States, and then initiated its “zero tolerance policy,” which led to the arrest of parents who crossed the border without authorization and separating them from any children who had accompanied them. Some deported Guatemalan parents have been reunited with their children, whereas other families remain separated to this day.18 The Trump administration also implemented several policies that dramatically increased the detention of Central American children under deteriorating conditions.19 Between late 2018 and early 2019, five Guatemalan children died in Customs and Border Protection (CBP) custody, whereas there had been no child deaths in CBP custody in the previous decade.20

Limiting protection for unaccompanied children: In 2019, CBP apprehended more unaccompanied children (30,000) from Guatemala than any other country. These children were sent by CBP to the Office of Refugee Resettlement (ORR), where they are supposed to receive services, seek asylum via a child-appropriate interview, and be placed in the least restrictive setting (as mandated by the Trafficking Victims Reauthorization Act). However, information-sharing policies between ORR and the U.S. Department of Homeland Security (DHS) and policy changes relating to filing claims for relief inhibited the placement of children

This mural in Quetzaltenango depicts Claudia Patricia Gómez González, a 19 year old woman from nearby San Juan Ostuncalco, who was shot dead by a Border Patrol agent on May 28, 2018 after she crossed the U.S. border near Laredo, Texas. Photo by: Refugees International.
with relatives and made it more difficult for them to succeed in their applications for protection. Upon turning 18, children were transferred from ORR to Immigration and Customs Enforcement (ICE) custody.\textsuperscript{21} Rather than remain in detention to fight their cases, some young people requested “voluntary departure,” which does not carry the mandatory 10-year bar from future admissibility to the United States that deportation requires.\textsuperscript{22} In late 2019, the Trump administration also began a program to speed unaccompanied minors through immigration courts to rapidly deport them before they were released to sponsors in the United States.\textsuperscript{23}

Increased barriers to asylum: Under the Trump administration, DHS’s policy of refusing to parole asylum seekers who passed credible fear screenings—instituting them detained for months or even years waiting for immigration court hearings—has led many Guatemalan asylum seekers to abandon their claims.\textsuperscript{24} Further, decisions by Attorney General Sessions and Barr have narrowed asylum eligibility for those fleeing gang or domestic violence, or violence directed toward family members. As Refugees International has indicated in other reports, these decisions by the Attorneys General overturned rulings by the Justice Department’s own Board of Immigration Appeals and have been opposed by some federal courts.\textsuperscript{25} The AG decisions have resulted in a dramatic drop in asylum grant rates for Guatemalans.\textsuperscript{26} In 2019, the administration further barred asylum seeking by those who transit a third country. These policies have led to increasing returns and deportations of Guatemalans at great risk of harm.

Migrant Protection Protocols: Also in 2019, in the face of increasing numbers of asylum-seeking Central American families at the southern border, the administration initiated its Remain in Mexico—officially, the Migration Protection Protocols (MPP)—policy, requiring these families to wait in Mexico for months while their cases proceed through the U.S. immigration courts. Of the almost 16,000 Guatemalans in the MPP program in May 2020, less than 600 have been able to secure legal representation, thus making it


\textsuperscript{22} There is nothing truly voluntary about that provision; the leaving is mandatory; Nicholas Novy, “The Problem of Coerced Consent: When Voluntary Departure Isn’t So Voluntary,” Kansas Law Review 68, no. 2 (2019): 315–349.


very difficult for them to succeed in court. Many Guatemalan families, especially indigenous language speakers, have found conditions in northern Mexico too dangerous and difficult to survive (especially the lack access to food, shelter, work, and services), and have felt forced to abandon their cases. As one Guatemalan mother told an immigration judge in El Paso, “Over there (in Guatemala), if they do something to me, my children have somewhere to go. Over here (in Mexico), they have nothing if something happens to me.” The Remain in Mexico program has also led to the separation of many Guatemalan families, with some family members in the United States and others waiting in Mexico or returned to Guatemala.

**PACR:** In late 2019, the Trump administration initiated a new program called Prompt Asylum Claim Review (PACR) to fast track the deportation of Central American asylum seekers. Before PACR, asylum seekers at the border typically were transferred from CBP to ICE custody, where they might consult with counsel before their interviews with asylum officers. Under PACR, asylum seekers are held exclusively in CBP custody (where conditions are poor and they cannot access supporting evidence) and have limited access to counsel before their asylum interviews. Within 10 days of crossing the U.S.-Mexico border, asylum-seeking Guatemalans whose claims are summarily denied have been deported back to Guatemala through this program.

**Cuts to development and anti-corruption initiatives:** Beyond border and deportation policy, U.S. foreign policy toward Guatemala since 2018 has focused on forcing the Guatemalan government to stop migration rather than supporting humanitarian and civil society efforts to address the violence, impunity, corruption, and poverty pushing Guatemalans to migrate. This focus was evident in the Trump administration’s effort to under-

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mine the International Commission against Impunity in Guatemala (CICIG), the UN agency effectively combatting government corruption in that country.\textsuperscript{33} It is also evident in the U.S. State Department’s reorientation of programs from the U.S. Agency for International Development (USAID) and Bureau of International Narcotics and Law Enforcement Affairs toward migration prevention,\textsuperscript{34} and its insistence that foreign aid is contingent on implementing an asylum cooperative agreement (ACA) with the United States.\textsuperscript{35} Honduran and Salvadoran asylum seekers returned under an ACA in early 2020 filled the only migrant shelter in Guatemala City, making it unable to accommodate Guatemalan returnees.

\textbf{Pre-COVID Policy Changes in Mexico}

\textbf{Strict enforcement and inhumane detention:} Since 2014, Mexico has been increasing its enforcement capacity on its southern border with Belize and Guatemala.\textsuperscript{36} Although Andrés Manuel López Obrador began his presidency with a welcoming stance toward migrants,\textsuperscript{37} policies quickly shifted toward stricter enforcement, particularly after tariff threats from the United States in the summer of 2019.\textsuperscript{38} The Mexican government’s stance was that it wanted to end the drivers of migration, and it even launched a development program with Guatemala, Honduras, and El Salvador.\textsuperscript{39} However, these initiatives have done little to stem the flow of migrants, and the government has moved its focus toward enforcement. The Mexican government has legislated significant policy shifts, militarizing the southern border with the deployment of the National Guard,\textsuperscript{40} issuing regulations that prohibit bus companies from selling tickets to undocumented migrants, and using force to keep immigrant caravans from entering the country. The Mexican National Migration Institute (INM) holds migrants and asylum seekers in “prison-like” enclosed settings with overcrowded facilities, food scarcity, and a lack of proper hygiene.\textsuperscript{41} Migrants

\textsuperscript{34} This reorientation is evident in the responses of Kirsten D. Madison, Assistant Secretary of the Bureau of Narcotics and Law Enforcement Affairs, to questions by members of Senate Foreign Relations Committee at a September 25, 2019 hearing on the migration crisis at the U.S. border: U.S. Policy in Mexico and Central America: Ensuring Effective Policies to Address the Crisis at the Border: United States Senate Committee on Foreign Relations, Hearing before the United States Senate Committee on Foreign Relations, September 25, 2019, https://www.foreign.senate.gov/hearings/us-policy-in-mexico-and-central-america-ensuring-effective-policies-to-address-the-crisis-at-the-border.
\textsuperscript{41} “Overcrowding, Abuse Seen at Mexico Migrant Detention Center,” Associated Press; NBCNews.com, June 17, 2019,
have been detained for extended periods, including children and other vulnerable groups.\textsuperscript{42}

**Rapid deportation of children:** Many Guatemalan children who migrate north for survival (fleeing extortion, poverty, and violence) or to reunite with parents do not make it to the United States. Instead, they are blocked from accessing U.S. ports or detained further south in Mexico and rapidly deported without a substantive evaluation of their best interests or the dangers they could face upon return. Civil society organizations that monitor the human rights situation of migrants and refugees in Tapachula reported that about 50 unaccompanied children who traveled with the January 2019 caravan were detained by migration officials and deported within 24 hours. Even if INM turns children over to the Mexican child welfare agency, they receive little help in applying for asylum, and most best-interest determinations do not consider the option of placing children with relatives in the United States.\textsuperscript{43}

**Lack of funding for Mexico’s asylum system:** Mexico has adopted a broader refugee definition than the United States and grants a higher percentage of asylum applications.\textsuperscript{44} The overall 2019 asylum grant rates averaged 71 percent, according to the Mexican Commission for Refugee Assistance (COMAR), but for Guatemalan this number is much lower, at only 34 percent. In comparison, the rate for Venezuelans was 99 percent.\textsuperscript{45} The restrictionist policies of the United States have directly affected the Mexican asylum system, contributing to a significant rise in asylum claims in the last few years. The capacity of the Mexican system is limited. It has not provided a commensurate budgetary increase to process the applications. COMAR is severely under-resourced—approximately 48 protection staff decided the cases of up to 80,000 asylum seekers in 2019.\textsuperscript{46}

**Increased deportations and “voluntary returns”:** Although Mexico’s asylum system is more generous than that of the United States, its apprehension and return numbers have been on the rise since June 2019.\textsuperscript{47} According to Mexican government data, deportations from Mexico to Guatemala appear low because the INM uses ambiguous terminology to describe enforcement actions. “Assisted returns” of Central Americans are, in fact, deportations and not voluntary at all.\textsuperscript{48} Many Guatemalans who flee serious harm have been dissuaded from pursuing their legitimate asylum claims in Mexico because of detention conditions and discouragement by officials there. In Mexico, Guatemalans are often returned before they have the chance to make asylum claims.\textsuperscript{49}
While in Guatemala in February, Refugees International interviewed recently returned asylum seekers who had first-hand experience with changing U.S. and Mexican enforcement policies. Marco (a pseudonym) told us of having fled his hometown in Peten in June 2019, fearful of violent retribution against him and his pregnant wife after her family reported a theft to the police. Upon reaching the U.S. border, Marco was placed in the Remain in Mexico program and his wife was allowed to pursue her case from within the United States. After three weeks of living on the streets of Juarez, Marco went to Campeche to find work. On his way back to Juarez to report for his November hearing, INM detained him. INM did not give him his MPP paperwork when they released him from Villa Hermosa. “I couldn’t travel north, and my only option was to go home,” Marco said. He took a bus to Peten. “I haven’t seen my wife and son.”

U.S. and Mexico Deportation Policy Changes under COVID-19

Since the March 20, 2020 order by the Centers for Disease Control and Prevention invoking Title 42 of the Public Health Safety Act, CBP has been refusing to accept protection requests and expelling asylum seekers at the U.S. southern border, including Guatemalans. The order allows DHS to return asylum seekers—including children—to Mexico or deport them directly to their home countries without any real screening regarding the dangers they would face. Guatemalans expelled by CBP are just pushed into Mexico and left there with no support or help from Mexican officials. CBP is expelling rather than referring unaccompanied Central American minors to the care of the ORR within the Department of Health and Human Services as required by the Trafficking Victims Protection Reauthorization Act. Also, fewer Guatemalan children are being released by the ORR to sponsors in the United States; instead, they are being deported; 417 minors were deported from the United States to Guatemala between March and early May.

Many other Guatemalan migrants are in a panicked limbo. Those in ICE custody awaiting deportation worry that they will be infected in detention or be quarantined upon return.ICE has begun to ask asylum-seeking parents currently detained with their children in family detention centers to give up custody in exchange for the children’s release from detention. Guatemalans in the Remain in Mexico program are waiting in desperate circumstances. In April, Refugees International spoke with Martin, a Guatemalan...

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asylum seeker in the program, who was waiting for his El Paso court hearing in Juarez while living in a house with 15 others and with little access to food. Martin’s situation is not untypical of the thousands of asylum seekers who must wait for months in northern Mexico without security, means of support, or adequate protection from COVID-19. Out of desperation, many of these asylum seekers in the Remain in Mexico program, as well those being expelled, are trying to enter to the United States undetected via remote and perilous routes.

In May, even when the Guatemalan government suspended flights in response to the arrival of returnees who tested positive for COVID-19, it continued to accept flights of unaccompanied minors and families and individuals that the United States claimed tested negative. Many of these individuals nonetheless tested positive upon arrival in Guatemala. In June, Guatemala resumed acceptance of flights with less than 50 people aboard.

Guatemala called on the Mexican government to halt deportations in early March, but assisted returns continue, as do unregulated voluntary returns. Since the pandemic began, Mexico has returned nearly 5,000 Central Americans back to their home countries. Mexican officials only take deportees’ temperatures but do not test for COVID-19. The number of people who returned of their own accord is likely far higher. As of May 20, four adolescents deported from Mexico tested positive for COVID-19. On June 15, 40 Guatemalan migrants were deported from Mexico. However, migration experts in Guatemala state that there are many voluntary returns from Mexico who do not pass through authorized border points. Recent reports claim that Mexican officials have even encouraged Central Americans to return home via irregular routes. Many people are returning to their communities and not being quarantined. For example, Salvadoran and Honduran migrants are passing through Guatemala on their way back home without any screenings.

Although deportations continue, Guatemalans can still seek asylum in Mexico during the pandemic; there are limitations, however. COMAR briefly halted accepting applications in March but has resumed accepting and processing claims. Hundreds of people are applying each week despite the pandemic, attesting to the fact that those fleeing persecution have
no choice but to cross a border to seek refuge. Unfortunately, COMAR’s hours are inconsistent, and it is issuing only a limited number of the identification cards needed for access to health care.

Upon return to Guatemalan, deportees and returnees face heightened levels of poverty and food insecurity. As one indigenous teenager rapidly deported from the U.S. border said, “I didn’t get the opportunity to say why I was coming” and now “we owe a big debt.” By early June, Guatemala’s public hospitals were overwhelmed by COVID-19 cases, and flooding from a tropical storm was causing extensive displacement within the country.

PROTECTION CONCERNS IN GUATEMALA UPON RETURN

Guatemalans who fled violence, crime, and persecution, and were unable to receive international protection, may face the same or exacerbated protection concerns upon return. Other Guatemalans may have legitimate fears for their security and safety when they go home because returnees are at greater risk of being targets of violence and extortion. Although there are government and civil society organizations that provide integration and support services for returnees, offering protection against crime, violence, gender-based violence, and discrimination is outside of the mandate of these organizations. Corruption, high levels of violence and extortion, and a lack of accountability in government and institutions all contribute to a fragile protection ecosystem that often does not afford returnees the ability to reintegrate safely. These challenges are only compounded during the pandemic.

Crime

Guatemalans migrate to Mexico and the United States for a complex mix of reasons, but crime and insecurity often play an important role in their decision to leave. Returning to Guatemala can amplify vulnerability to crime; extortionists, gang members, and narco-traffickers target returned Guatemalans because criminals perceive them to have money due to their ability to migrate and their time spent working abroad.

Returned Guatemalans are especially vulnerable to crimes at the airport because gang presence is more prevalent in Guatemala City than in other areas of the country. Deportees from the United States stand out; most arrive without shoelaces and carrying plastic bags given to them while in CBP custody. Exiting the airport is chaotic—the presence of many taxis, buses, money exchangers, and families of returned often

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67. “Interview with Rosi Siu.”
cause crimes to go unnoticed. Outside of the airport, the Guatemalan government provides transport to the north and south bus terminals for leaving Guatemala City. Both terminals are in areas of the city with elevated crime rates. Returned Guatemalans must pay for their bus fare; returnees described to Refugees International that those who have no money to get back to their hometowns have to beg on the street.

The risks do not abate once returned Guatemalans arrive in their hometowns. Refugees International spoke with one Guatemalan who returned to his town and attempted to start a business. He was robbed repeatedly, extorted, and threatened. He claimed the extortionists targeted him because they knew he had returned from the United States with money. Stories like this one are not unique; Refugees International spoke with multiple individuals and organizations about the pervasiveness of extortion. In Guatemala City, one returnee organization had to move several returned Guatemalans because their businesses were being extorted. Extortion is one of the most prevalent crimes in Guatemala. Gangs commit some of it, but a growing number of extortions originate in prisons, revealing just how little control the police system has over this crime—or their complicity in it. Low-level corruption and impunity make it difficult to report crimes or receive justice. In 2018, Guatemala had a 97.6 percent impunity rate for all crimes. In 2017, Guatemalans filed nearly 8,400 extortion complaints, but the courts handed down fewer than 700 convictions.

Most Guatemalans cite corruption as the major challenge confronting the governance of their country. For years, CICIG, a unique joint UN-Guatemalan mechanism, made significant headway in battling government corruption. In 2019, however, then-President Jimmy Morales dissolved the CICIG with help from the Trump administration, which withdrew support for the initiative. The ousting of CICIG marked a downward turn in government accountability and any confidence the Guatemalan people may have had that things would get better.

## Discrimination and Mistreatment of Women and Indigenous Groups

Most Guatemalans who migrate to the United States and Mexico are from the western highlands area of the country where the largest populations of indigenous people live. The Guatemalan government and mainstream society systematically exclude indigenous people in Guatemala. 79 percent of indigenous people live in poverty and 40 percent of them are in extreme poverty. One-third of the rural population faces food insecurity. Guatemalans who have left farming commu-
nities say that they “barely eat” at home. Returned indigenous migrants cite additional barriers to reintegration in their communities, such as loss of cultural practices, restructuring of community dynamics, and loss of language.

Although Mayan languages are a cornerstone of their culture, they are also a basis for exclusion from public and social services. For example, at the unaccompanied minors’ shelter in Quetzaltenango, counselors provide psychological services in Spanish, but many children who return and desperately need counseling speak Mam, K’iche, or other Mayan languages. Organizations like Asociación IDEI provide volunteers who speak Mayan languages to facilitate counseling, but they are not a solution for a lack of indigenous psychologists, social workers, doctors, and other professionals.

Indigenous communities are disproportionately excluded from social services and access to the rule of law, and also are disproportionately victims of human rights violations. Because of this discrimination, deported and returned indigenous people are less likely to receive social support from the government or help from the state if they are victims of crime. Asociación Pop No’j and Colectivo Vida Digna are returnee organizations that provide reintegration services for returned indigenous Guatemalans while considering their cultural heritage, language, and community roles. These support services are critical for returned indigenous migrants but have limited reach compared to the number of indigenous deportees and returnees who arrive each day.

Women and girls also face discrimination and violence in Guatemala. Although Guatemalan law establishes the principle of gender equality and criminalizes discrimination, Guatemala has the highest gender inequality index in the region. Women experience soaring rates of sexual violence, exclusion from political and economic participation, and rigid gender norms that can prevent them from engaging in certain types of work or attending school. In 2017, gender-based violence (GBV) was the most reported crime, which overwhelmed the Guatemalan courts’ ability to provide justice to women who experience GBV as there were not enough prosecutors.
Indigenous women experience intersectional discrimination for their ethnicity and gender. Women and girls who left Guatemala because of violence and gender discrimination find it difficult to reintegrate safely into Guatemalan society because of these pervasive structural barriers.

In Quetzaltenango, Refugees International spoke with Maria, an indigenous woman with little formal education who was a victim of domestic violence perpetrated by her partner. After her sister migrated to the United States, Maria started a small business weaving traditional Mayan clothing. Like many of those with relatives in the United States and successful small businesses, Maria was targeted repeatedly for extortion. The extortion escalated to kidnapping when her adolescent daughter was held for ransom. After her release, the extortion calls continued, the police were of no help, and two women in her town were abducted and never returned. For these reasons, Maria and her children left Guatemala to seek asylum in the United States in early 2019. Maria’s eldest daughter was allowed into the United States to make an asylum claim, but the U.S. government placed Maria and her two younger children in the MPP program in Tijuana. After a man threatened Maria and her children, they felt too unsafe to wait there, and so abandoned their asylum claim and returned to Guatemala. Although Maria’s return appeared voluntary, she left Tijuana because of insecurity and a sense of fear for her and her children’s safety. Back in Guatemala, she still feels unsafe and has had to change her phone number and address to avoid threats. She is a target for crime because of her gender and being a returnee with a successful weaving business. She worries daily that her estranged and abusive ex-husband will find out where she lives, and that she will have nowhere to turn if he finds her. She cannot reunite with her older daughter in the United States and lives in fear that something will happen to her and her younger children in Guatemala, or that her ex-husband will find and hurt her.

### Increased Vulnerability for Children

Over the last decade, the number of Guatemalan children deported from the United States and Mexico has increased nine-fold. The vast majority are indigenous youth from communities in the highlands and along the Mexican-Guatemalan border. Their average age is 14.5 years old. Most left Guatemala for survival (fleeing extortion, poverty, and violence), and a significant percentage traveled north to reunite with family in the United States.  

Children returned to Guatemala from the United States and Mexico by plane are bused by the Guatemalan Secretariat of Social Welfare from the airport in Guatemala City to a nearby government-run shelter, where they are screened by social workers and picked up by guardians. Those not picked up become wards of the state. Refugio de La Ninez, a shelter, helps in cases involving children who cannot be returned to abusive homes and those involving returned pregnant teens or young mothers. Asociación Pop No’j conducts follow-up visits with families of returned children, providing them with funds for necessities and counseling. This follow-up is crucial because of a rise in suicide among this population of returnees.

Children deported from southern Mexico are bused to Casa Raices, a shelter in

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Maria and her younger daughter walking through the main square in Salcajá. Photo by Refugees International.
Quetzaltenango, where their parents pick them up. In February 2020, Casa Raíces received about 100 children, mostly 15- and 16-year-olds, on two buses each week. Many of the children are traumatized or sick from having spent a month or more in detention in Mexico, deprived of sufficient showers and food. The director of social work at the shelter told Refugees International that about 30 percent of returnees had parents in the United States and 10 percent had been neglected, abandoned, or abused.

Some children also are unable to return to school. The Guatemalan Education Ministry has passed a regulation allowing returned children to reenter school at any time. However, under-resourced local schools often do not have enough spaces to accommodate all children, especially in the western highlands. Few teenagers see the benefit of finishing high school, given the lack of attainable jobs and higher education in Guatemala. Some returned Guatemalan children received public high school education for free in the United States and face the disappointment that school may no longer be an option in Guatemala.

Many children with parents in the United States return to live with their extended families. Although returnees who receive remittances from parents in the United States may have a higher standard of living compared to

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101. Ibid, Lizbeth Gramajo Bauer, p. 86
those not receiving them, returnee children may re-migrate because they want more than financial help—they want to be with their parents.

SOCIOECONOMIC BARRIERS TO INTEGRATION

Protection concerns are typically accompanied by socioeconomic constraints that all Guatemalan returnees face. Government services aimed at assisting returned Guatemalans focus heavily on reception, not reintegration services. Returned Guatemalans face a myriad of challenges upon return, and each experience is unique. Yet before the COVID-19 pandemic, returned Guatemalans typically faced barriers to economic integration and health services, and lacked family support. These challenges have been compounded during the pandemic.

Barriers to Economic Integration

Migrants often take out loans for paying smugglers to take them through Mexico to the United States. Many turn to high-interest loans from unregulated actors, such as moneylenders and cooperatives, and use land, homes, vehicles, or goods as collateral. If they return, they may come back with significant debt and limited options to pay it off. Organizations that work to provide services to returned indigenous Guatemalans in the western highlands told Refugees International that debt increases the chances of re-migrating because deportees in debt can pay it off through a higher-paying job in the United States.

Finding a job can be very difficult upon return. Several organizations facilitate labor market integration for returnees in Guatemala City and the highlands. Multistakeholder initiatives such as Guate Incluye provide skills trainings and certifications to migrants who gained technical skills abroad, such as culinary services or construction. They also link returned Guatemalans to jobs in the private sector. In addition, Guate Incluye works to provide loans to returned migrants because it is difficult for them to get a formal loan to start a business. Such loans are especially important because there are no legal services available to help returnees recover property left in the United States. Many returnees quickly sell off their property at low prices before leaving and have little capital upon arrival in Guatemala. Other organizations like Te Conecta connect returned Guatemalans to meaningful job opportunities, which can take anywhere from a few weeks to months, depending on the skills and language level of the returned

102. The Guatemalan Migration Institute (IGM for its acronym in Spanish) registers deportees arriving by air from Mexico and the United States in Guatemala City and Tecun Uman for returnees arriving via land from Mexico. In Guatemala City, the IGM transports families and children to shelters operated by the Secretary of Social Welfare (SBS), which provides psychological support, shelter, humanitarian care, and medical screenings. The SBS also receives unaccompanied minors from Mexico in Quetzaltenango and provides similar services to those in Guatemala City. Single adults who arrive in Guatemala City can access limited government services, such as a cursory medical screening at the airport, an arrival orientation, and transport to bus terminals for migrants not from Guatemala City.
migrant. Employers are sometimes hesitant to hire returned migrants because they fear the latter will migrate again; this perception can negatively affect migrants’ job search.

Organizations providing support can increase returned Guatemalans’ chances of overcoming barriers to work. These organizations are few, however, and suffer from resource constraints that limit their scope and effectiveness. There is no shelter where returned Guatemalans can stay while looking for work in Guatemala City. Though Te Conecta works with government partners, it does very little to help returnees find work. “I don’t know what CONAMIGUA (Consejo National de Atencion al Migrante de Guatemala) does and I never heard of any returnee getting a job at the Labor Ministry,” a Te Conecta representative said.

USAID has set up “stay here” centers in Guatemala City and elsewhere to promote reintegration of returned Guatemalan teens, but a large number of young returnees fall through the cracks. At the airport in Guatemala City, Refugees International met Jaime, a young man in his early twenties who had lived in Oklahoma with his family for more than a decade, although they arrived in the United States too late for him to qualify for Deferred Action for Childhood Arrivals (DACA). He had been arrested for unpaid parking tickets, transferred to ICE custody, and granted voluntary departure. He did not know anyone in Guatemala City.

Health Care

Poor-quality health care is a less common but nevertheless significant reason some Guatemalans migrate and, according to Asociación Pop No’j, is a determining factor in preventing re-migration. The health care of poor and indigenous Guatemalans is the worst in the hemisphere because of limited resources, infrastructure, personnel, and inadequate supplies of medicines and materials.

Refugees International spoke with Martin, a returned Guatemalan, whose reasons for migrating included worries about the health of his son Juan, who had lost vision in one eye following a head injury. Juan went to a reputable hospital in Guatemala City and underwent two operations, but his injury required specialized care not available in Guatemala. Martin and Juan left to go to the United States and, like Maria who fled because of crime, were also placed in the MPP program. They returned to Guatemala because of the dire shelter conditions in Mexico but went back to Juarez to attend their court date.

Furthermore, migration introduces health issues that persist upon return. Sexual assault, robbery, kidnapping, and abuse sadly are all too commonplace for many migrants who travel through Mexico. The need for mental health care upon return is essential, but the psychological support services nongovernmental organizations provide are not a replacement for long-term care. Asociación IDEI reported a case of a

113. “Mental Health: Central American Refugee Health Profile,” Centers for Disease Control and Prevention, U.S. Department
boy who was trafficked and sexually abused during his travel to the United States. He contracted HIV because of the abuse he endured. He now lives with intense stigma because of the nature of his abuse and the virus he contracted. He needs HIV treatment and counseling to process the prior trauma and current stigma, but access to treatment in Guatemala is low—only 43 percent of HIV-positive people in Guatemala are on antiretroviral treatment.

**COMPONDED CHALLENGES DURING THE COVID-19 PANDEMIC**

The COVID-19 pandemic poses unprecedented and urgent concerns for returning Guatemalans, and exacerbates the existing vulnerabilities laid out in the previous section.

Guatemala has confirmed 10,272 cases of COVID-19, 186 of which are Guatemalans deported by the United States. The country is ill equipped to handle a rise in COVID-19 cases, and many gaps can be seen in the government response to date. For all Guatemalans, and especially those returning, a major vulnerability during the lockdown is an inability to cope with the financial burden. As social distancing continues, Guatemalans who work in the informal economy and in agriculture and temporary work, will be affected negatively, like many returning to the country. Although the Guatemalan Congress approved an emergency stimulus of 1,000 quetzals (roughly $130) and food boxes to roughly 2 million people, as of May 22, many poor Guatemalans say they still have not received any support.

The World Bank predicts that even more Guatemalans will fall into poverty. Returned Guatemalans already encounter difficulties in finding work, and the pandemic will extend this job insecurity for a longer period. Reporting from Guatemala shows the suffering already underway. Guatemalans across the country hang flags outside their windows in different colors to signal they need help. White flags mean hunger; red is for medicine; black, yellow, or blue means that a woman, child, or elderly person is in danger of violence.

For rural and indigenous communities, the impact could be much worse. Although the Guatemalan government is promoting hand washing campaigns, the message falls flat for rural and indigenous Guatemalans who do not have necessities like potable water. It is encouraging that the government has translated these campaigns into Mayan languages so indigenous communities have access to information, but deep inequalities in access to health care and economic resources continue to impact their well-being.

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120. Abbots, “White Flags.”
to necessities still prevail. Throughout Guatemala, the availability of hospital beds and equipment, and the number of physicians, is low. Some indigenous people worry that their understaffed health centers will not be prepared for the virus. Food insecurity is also a challenge in rural areas; the World Food Program predicts the number of food insecure people in the world will double under COVID-19. This staggering increase could be true for Guatemala as well.

Women who live in a situation of domestic violence are in more danger during this time. Rates of violence against women are on the rise in Latin America, and economic stressors and limited freedom of movement will affect levels of violence.

For deported Guatemalans who have arrived on flights carrying a person tested positive for COVID-19, the Guatemalan government has failed to provide suitable places for them to quarantine. The government has isolated Guatemalans exposed to the virus in places without adequate support for social distancing or humanitarian care. In April 2020, the government placed roughly 234 Guatemalan deportees in quarantine in the Ramiro de Leon Carpio sports complex, a few blocks from the Guatemala City airport. Other returned Guatemalans have been isolated in the Guatemalan airport. The Guatemalan government is hospitalizing patients who are sick with the virus, even if they do not have serious symptoms. The Guatemalan Human Rights Ombudsman’s office states that this policy is contributing to a near collapse of hospital systems in the country.

The stigma associated with deportation has intensified and worsened now that many returned Guatemalans have tested positive for COVID-19. In Quetzaltenango, community members have threatened to burn deportees who they believed were infected with COVID-19. Returned Guatemalans cited fear of discrimination or violence following quarantine.

**Conclusion**

During the COVID-19 crisis, the United States and Mexico should institute a temporary moratorium on deportations and returns.

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129. Coronado, “Zulma Calderon.”

130. Coronado, “Zulma Calderon.”


eliminate barriers Guatemalans face in seeking asylum, and ensure that children and adults are not unnecessarily detained. The Guatemalan government should seek to ease the vulnerabilities of deportees by providing them with more comprehensive reintegration services and access to proper safeguards during the pandemic.

But Mexican and U.S. policies jeopardizing the safety of Guatemalans long precede the COVID-19 crisis. And, on June 15, 2020 the Trump administration proposed a regulation that would make it all but impossible for Guatemalan fleeing domestic violence or attempted recruitment or extortion by gangs to gain refuge in the United States long after pandemic recedes. The rule explicitly denies eligibility for asylum to those who pass through a third country or claim they fear being specifically targeted for persecution in Guatemala because they are returnees from the United States.133

Policies that address protection needs rather than exacerbate them require humanity, political will, and flexibility to achieve. Now more than ever, policymakers must ensure that Guatemalans fleeing harm have access to refuge in the United States and Mexico and that Guatemalan returnees have access to safety, healthcare, and economic opportunity.

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ABOUT
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