



## **Migration Profile**

### **GUATEMALA**

#### **A. Executive Summary**

Guatemala is the main point of arrival and departure for Central American migration to North America. Its wide border with Mexico marks the division between the routes followed by migrants coming from the countries of North Central America (NCA), which include El Salvador, Honduras, and Nicaragua, and those arriving from south and southeast Mexico trying to get to the United States. This country has a long history of internal migration of temporary workers, often reaching as far as the southern states of Mexico where they are employed in agricultural work and, since the beginning of the 21st century, even in construction and in the service industry. However, emigration to the United States is currently the most important phenomenon; in fact, Guatemalans make up the second largest Central American community abroad and are in highly vulnerable conditions in the United States. Since the first decade of this century, Guatemala has also been a transit territory for migrants who are part of mixed extra-regional flows.

Internal displacement is also affecting the country as a result of political instability and public insecurity, due to delinquency and organised crime. In addition to forced displacement, even human trafficking has been quite spread for sexual and labour exploitation, promoted especially by criminal organisations recruiting young people to commit crimes.

Guatemala has a broad legal framework representing the main tools to address the challenges of emigration and immigration, as well as handle refugee applications and human trafficking abuses.

There is also a good number of actors operating in the country that, in addition to the local government, develop broad programs related to migration, the transit of mixed flows, internally displaced persons, victims of trafficking and for the thousands of deportees, not only Guatemalans but also from the rest of Central America, who are rejected at the border with Mexico.

## B. Country Profile

### I. Basic Information

Guatemala is the second largest country in Central America, with a territory of 108,889 sq. km, rich in environmental and natural resources that contrasts with the high levels of poverty and social inequality present in the country. Its territory is bordered by Mexico to the north, Belize and the Gulf of Honduras to the east, Honduras and El Salvador to the southeast, and the Pacific Ocean to the south. According to the 2018 Population Centre estimates, it is the most populous country in the region with 14,901,286 inhabitants.<sup>i</sup> Guatemala is ethnically very diverse and its population is made up of *Ladino* or white people, *mestizos*, Mayans, Xincas, and Garifunas. Most of them reside in the cities (54%), while the remaining inhabitants live in rural areas.

Its history has been divided between the democratic political regime and other periods dominated by armed conflicts and ruled by the military elite. The last military government ended in 1986, when other political parties were finally installed, and since then the country's situation has been relatively stable until today. A protracted armed conflict began in the 1960s and ended with the 1996 peace agreements between the government and the Guatemalan National Revolutionary Unity (URNG) guerrillas. In addition to internal or cross-border labour migration, the armed conflict produced a long period of displacement and forced migration, repatriation, and relocation of "Communities of Population in Resistance".<sup>ii</sup>

In addition to its large population and a GDP of US\$77.6 billion in 2020, according to the World Bank,<sup>iii</sup> Guatemala is the largest economy in Central America. However, during the last three decades corresponding to its peaceful period, the country had a slower growth compared to countries with similar characteristics. Guatemala does not face serious fiscal or external debt problems; but although GDP per capita in 2020 was estimated at US\$4,603, this has not translated into a significant reduction of poverty and inequality, nor into an increase in public investment to improve basic public services in education, health, and access to drinking water. This situation affects the living conditions of a large part of the population, which is one of the main causes of international migration and internal displacement. Guatemala is one of the countries with the highest social backwardness in Latin America and the Caribbean. In 2018 about 3 million Guatemalans were part of the poor population, and 70% of the economically active people turned to the informal sector of the economy.

Due to its geographic location, Guatemala is one of the main migration corridors to the north. A variety of people move through its territory and are part of mixed flows of migrants and displaced persons, many of whom should be considered as refugee applicants.

It is difficult to quantify the universe of people in mobility in the NCA, who have Guatemala as a territory of origin, transit, return, or destination, and this movement has turned the country and its border with Mexico into one of the most critical places of migration in the western hemisphere. People in transit come not only from NCA countries, but also from outside the region, mostly

from Cuba, Haiti, and Venezuela, as well as Africa and Asia. Some estimates indicate that people from the NCA who have left their countries might have increased from 2019, and especially in 2021 the numbers might have exceeded the ones observed during previous years. As of 2019, the number of people originally from the NCA deported from Mexico and the United States increased by 28.4%, from 196,061 in 2019 to 251,778 in 2021, of whom 12% were Guatemalans, 42% Salvadorans, and 45% Hondurans. Most of them were sent from Mexico to Guatemala, and 20% of returnees were children and adolescents.

## **II. International and Internal Migrants**

Since the 1990s, emigration has exceeded immigration in Guatemala. However, since the mid-2010s, immigration has also been inflated by the transit of mixed flows going to Mexico and the United States. This temporary migration depends on the time needed by these transmigrants to cross the border with Mexico, which can sometimes take days, weeks, or months. The number of permanent immigrants is rather low in comparison not only to the number of transmigrants, but also to the total population of the country, representing only 0.46%. In 2019, the number of immigrants in Guatemala was estimated to be 80,421, of whom women were 42,304 (52.6%), while men 38,117 (47.39%). Their countries of origin were El Salvador (24.5%), Mexico (22.4%), the United States, Nicaragua, and Honduras, with 11% each respectively. However, this number might have increased because many migrants can no longer continue their journey and, due to increased border controls in Mexico, remain in Guatemala.

Internal migration is also relevant and seems to be related to the temporary mobility of the labour force, going from the Altiplano to the Pacific regions, where agroindustrial plantations are mostly located, and from these areas on to Mexico as part of the historical cycle of cross-border migrations. The indigenous labour force is one of the main components of these flows.

These types of migration flows are determined not only by the pull factor of the labour markets, but also by other environmental elements such as droughts, the extinction of water sources and soil depletion, manifesting the close link between human displacement and climate crisis in Guatemala, as in the rest of Central America. <sup>iv</sup>

## **III. Emigration and Skilled Migration**

There are currently 1,205,644 Guatemalans living abroad, 80% of whom are in the United States. Emigration has a special impact on the young population, with greater frequency in the 15 to 19 year old group, on women, whose growth has been noticeable during the last three decades, and on people of Mayan origin, since 56% of the total households that report receiving remittances from a migrant family member are indigenous people. The departments bordering Mexico, such as Huehuetenango, Quiche, and San Marcos, report the highest number of migrants, followed by Jutiapa, Quetzaltenango, and Jalapa. <sup>v</sup>

Despite the importance of migration for Guatemala and the weight of remittances in the country's economy, equivalent to 14.7% of the Gross Domestic Product (GDP), this contribution of migration does not promote a comprehensive human development or solve the problems of inequality. Remittances not only surpass, but have begun to replace agriculture in the provision of foreign exchange and have compensated for the decline of industrial production over the 2010-2020 decade.<sup>vi</sup> Guatemalans, who make this economic contribution like most Central Americans, despite their big involvement in the US labour market, are mostly employed in low-skilled and low-paid jobs, experience high levels of poverty, lack of access to health and social security, have low levels of education, little command of the English language, and are often in an irregular migration condition.<sup>vii</sup>

According to a 2020 CRS report, as of May 31 23,683 Guatemalans had been deported by air from the U.S., while another 15,822 were rejected by land from Mexico.

#### **IV. Forced Migrants (internally displaced, asylum seekers and refugees, climate displaced people)**

Based on 2015 data, forced migrants, both internal and international, reappeared in Guatemala, and many of them were asylum seekers who, like other refugees arriving from NCA countries, were mainly escaping persecution by criminal organisations or other causes of displacement. According to UNHCR, refugee applicants of Guatemalan origin increased from 26,954 in 2015 to 86,864 in 2018, and those whose refugee status was recognised were 10,284 in 2015 and 19,113 in 2018.

Despite these estimates, there is no known data or official evidence attesting the existence of forced displacement of people. However, there are three factors that have contributed to the increase in displacement cases: firstly, the deployment of large mining, hydroelectric, agribusiness plantations and cattle ranching projects; secondly, gangs and groups linked to criminal organisations; thirdly, environmental threats. Among the victims of these displacements there are peasants, indigenous and Afro-descendants, environmental activists and human rights defenders, children and adolescents who are victims of harassment and forced recruitment by criminal organisations. Indigenous migrants from the Guatemalan highlands have traditionally been internal migrants, often employed as cheap labour in large plantations in other regions of the country, as well as cross-border workers in the southeastern states of Mexico. In the last three decades, these migrations have been redirected towards the United States as a result of the crisis of traditional agriculture, mining extraction, and the cultivation of agrofuels for export, as well as the insecurity caused by both violence and climate crisis.<sup>viii</sup>

Women have become one of the most vulnerable groups and, therefore, potential victims of displacement due to the increase of murders, not only caused by common criminal activity, but especially because they are among the main targets of organised crime. Far from decreasing, the number of female homicides grew higher during the pandemic, as was documented in 2021 by organisations monitoring the issue.<sup>ix</sup>

A study conducted by Save the Children in Guatemala documented that, in 131 educational centres, 817 students (57.5%) were afraid to go to school due to external factors. Also, 123 students (15%) and 32 (17%) members of the teaching and administrative staff reported the presence of gangs, and 187 students (23%) and 61 teachers (28.4%) have been victims or know someone who has been harassed by gangs upon arrival or departure from school. In 2015 nearly 200,000 children and adolescents stopped going to school, and that amounts to 38% of more students compared to the number in the previous year.<sup>x</sup>

Although Guatemala has not stood out as a host country for refugee applicants, in 2020 the *Pastoral de Movilidad Humana* of the Episcopal Conference of Guatemala assisted 12,133 mixed migrants.<sup>xi</sup> Their destination was the United States and Mexico, but due to border closures and agreements between the United States and Mexico, many of them remained in Guatemala without being able to continue their journey. Despite the COVID-19 pandemic and border closures, the mixed flows of refugee applicants did not decrease, and along with it, the migrants' conditions deteriorated even more.

In June 2019, the Government of Guatemala signed the Asylum Cooperation Agreement (ACA) with the United States, and under this new procedure, which was implemented in November 2019, Guatemala accepted the transfer into its territory of several hundreds of Central American migrants from the United States. This agreement therefore prevented any migrants' chance to introduce an asylum request in the United States, by forcing them to pursue this procedure in Guatemala, a country that did not meet the conditions to ensure such protection because of the very disorganised asylum system in place. In 2019, some 62,000 Salvadorans and Hondurans filed their asylum applications with US authorities. According to experts at the Migration Policy Institute (MPI) in the United States, the Guatemalan government did not have the capacity to resolve and grant even a small number of those applications. In the first week of October 2021, 14,108 migrants, mostly of Honduran and Salvadoran origin, all coming from the US and Mexican territory, were processed at the Migration Delegation of El Ceibo.<sup>xii</sup> In February 2021, the US government agreed to suspend the agreement with Guatemala, following criticism from migrant rights groups.<sup>xiii</sup>

## **V. Victims of Human Trafficking**

According to the 2019 report of the Human Rights Ombudsman's Office (PDH), the Public Prosecutor's Office (MP) identified 596 possible victims of human trafficking. There was an increase of 118 cases compared to 2018 (approximately a 27% growth). The PDH points out that child labour and trafficking for the purpose of labour exploitation have become a daily concern. Trafficking has been linked to discrimination, gender violence, poverty, organised crime, corruption, impunity, social acceptance, restrictive migration policies, lack of sensitivity and increased demand for sexual services, in which exploiters do not receive any type of warning, sanction or legal prosecution.<sup>xiv</sup>

According to some social actors who offer protection to victims of human trafficking, women from Nicaragua, El Salvador, Honduras, and Costa Rica, as well as from the interior of the country, are frequently in need of care. They generally flee their countries due to domestic violence or situations linked to public insecurity. In addition, the Human Rights Ombudsman's report has mentioned that many women, due to poverty and their vulnerable conditions, have also fallen victims of deceitful job offers from trafficking networks in Guatemala and other destinations. Approximately 35% of the victims of human trafficking in 2018 were adolescent women between the age of 15 and 17, but that figure may be higher because in 42.9% of the cases the age of the victims was not recorded. Various organisations also state that there are forms of subway trafficking due to the recruitment of many children to be exploited for labour, or to engage in begging or even, like in other countries, to commit crimes.

Restrictions imposed by the government of Guatemala in 2020 made it very difficult to provide protection services to victims of trafficking, because care centres were forced to shut down. Despite this obstacle, some organisations used different ways to provide remote care over the phone and even, when possible, through visits. For the first time, due to health restrictions, court hearings were conducted electronically, which prevented some cases from going unpunished.

## **VI. National Legal Framework**

The country's migration flows are handled by state institutions, ensuring that an appropriate and effective regulation manages the entry and exit of Guatemalans and foreigners into the territory, as well the transit and stay of foreigners in the country, by providing respect, protection and safeguarding of human rights, contribution to national development and protection of the inhabitants.

This system is governed by the provisions of the Migration Code (Decree 44-2016) and its regulations (*Acuerdo de Autoridad Migratoria Nacional 7-2019*), the Internal Organic Regulations of the Guatemalan Institute of Migration (*Acuerdo de Autoridad Migratoria Nacional 8-2019*), the Internal Operating Regulations of the National Migration Authority (*Acuerdo de Autoridad Migratoria Nacional 1-2018*), and the Law of the Council of Attention to Migrants (Decree 46-2007 of the Congress of the Republic of Guatemala). These legal tools are recognised both under the protection of the Political Constitution of the country and the international treaties recognised by the Guatemalan State. This legal framework also includes a set of regulations governing the operation of institutions, the granting of visas and the regulation of regional agreements within the framework of CA4.

Additionally, the country has other norms regulating the humanitarian protection of refugees (Regulation for the Protection and Determination of Refugee Status in the Territory of the State of Guatemala - National Migratory Authority Agreement 2-2019), actions against human trafficking according to the Law against Sexual Violence, Exploitation and Trafficking in Persons (Decree 9-2009), and the Protocol for the Protection and Care of Victims of Trafficking in Persons. In addition, the protection of minors is safeguarded by the Law for the Integral Protection of

Children and Adolescents (Decree 27-2003) and the National Protocol for the Care of Unaccompanied Migrant Children.

## **VII. Main Actors**

### *The State*

The Migration Code outlines the responsibilities of the Guatemalan Migration System and its conformity supported by the National Migration Authority, the Guatemalan Migration Institute, and the National Council of Attention to Migrants of Guatemala (CONAMIGUA). This is mainly aimed at regulating the entry and exit of migrants and focuses on the needs of Guatemalan migrants and, to a lesser extent, of other subjects. The National Migration Authority is responsible for the formulation, creation and supervision of the Migration Policy and security in migration matters. The Guatemalan Institute of Migration is responsible for the implementation of the Migration Policy, the direct and indirect administration of the state provisions aimed at managing the right to migrate, the budget execution approved for this purpose and other provisions that are included in the national legislation of the country. The National Council of Attention to Migrants of Guatemala coordinates, defines, supervises, and oversees the actions and activities of the organisations and entities of the State aimed at protecting, attending, and providing assistance and aid to Guatemalan migrants and their families in Guatemala, as well as migrants who are in the national territory.

The National Migratory Authority is responsible (according to article 177 of the Migration Law) to resolve all requests for refugee status. For this purpose, it also interacts with the National Commission for Refugees, involving a technical representative from the Ministries of Foreign Affairs, Labour, and Social Security, Interior and the Guatemalan Institute of Migration. The Congress of the Republic also has a Migrant Commission, a technical body for the study and knowledge of the different matters submitted to the Congress for consideration. The Human Rights Ombudsman also has an Office for the Defence of Uprooted Migrant Population in order to coordinate efforts for the defence, protection, promotion and dissemination of their human rights.

### *The Catholic Church*

The pastoral care of migrants began in Guatemala with the assistance of the Catholic Church, especially to communities displaced by armed conflicts. These were mainly indigenous people who experienced military repression and, although they were in the midst of violence between the army and the guerrillas, they were accused of supporting the insurrection. As the characteristics, destinations and causes of migration changed, the Church reorganised its pastoral work to provide humanitarian aid, advocate for the protection of human rights and work for the integral human development of migrants.

In addition to the work carried out by the Archdioceses of Guatemala and Quetzaltenango, and the seven dioceses and parishes in the country, the pastoral care of migrants has been also provided by various religious orders: the Missionaries of St. Charles (Scalabrinians) with its houses for migrants in Guatemala and Tecun Uman, the Franciscans as part of the Franciscan Network for Migrants, the Jesuit Network for Migrants with its different care facilities and promotion services, and the Congregation of the Mercedarian Sisters, among others. All of them are part of the Ecclesial Network for Monitoring and Protection of the Episcopal Conference of Guatemala. They also carry out a collaborative effort in the northern countries of Central America.

### *Other Organisations*

In Guatemala there are two coordination agencies, operating among social organisations that are working to address migration issues. On the one hand, the *Grupo Articulador de la Sociedad Civil en Materia Migratoria para Guatemala* is made up of more than 31 non-governmental organisations from Guatemala, the United States and Mexico, whose mission and vision are involved in the migration phenomenon, addressing its causes, manifestations and consequences. They form a common platform for dialogue, analysis and joint actions for service, research, training, information, and public advocacy, as well as collaboration with the governments of origin, transit and destination.

On the other hand, MENAMIG (Mesa Nacional para las Migraciones en Guatemala) is a civil society organisation that brings together independent social organisations and the State to work on behalf of migrants, with the objective of influencing public policies that benefit the population at the beginning of their journey, during their displacement, at their destination and upon their return.

The universe of civil organisations handling migration, refugees and human trafficking is broad and ranges from instances that offer humanitarian assistance to Guatemalan migrants, people in transit, refugee applicants and victims of human trafficking, to other groups that have an impact on state decision-making in Guatemala, as well as in the other countries of the migratory corridor. There are also research centres and agencies defending the rights of migrants.

### *International Organisations*

Various international organisations are active in Guatemala with support programs for the government, civil society organisations and the Catholic Church. Organisations such as the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) have been collaborating with Guatemala since the 1980s in the context of armed conflicts, with programs to assist the displaced population and refugee applicants. Subsequently, these organisations and other governmental agencies of the United States and Canada, European countries, the Organisation of American States (OAS) and the European Union supported the Guatemalan government in carrying out the Peace Agreements between the government and the URNG insurrection in 1996, including the resettlement of the population

displaced by the conflict. Since then, but mainly during the last two decades, United Nations agencies and cooperating governments have oriented their programs to the attention of the migrant population, migrants in transit and deportees, asylum seekers, internally displaced persons and victims of trafficking, as part of the response to the humanitarian crisis caused by migration in that country.

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## D. Endnotes

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<sup>i</sup> INE Guatemala. 2018 Census Results

<sup>ii</sup> CIDH

<sup>iii</sup> World Bank, Guatemala

<sup>iv</sup> De León, M. 2020.

<sup>v</sup> Organización Internacional para las Migraciones (OIM) y Fondo de Población de las Naciones Unidas (UNFPA), 2021.

<sup>vi</sup> World Bank, Database

<sup>vii</sup> Morales Gamboa, Abelardo. 2020.

<sup>viii</sup> Freddi, Andrea, Alejandra Carreño y Leopoldo Martínez Mérida. 2020.

<sup>ix</sup> Grupo de Apoyo Mutuo (GAM).

<sup>x</sup> Save the Children: En el fuego cruzado. 2019.

<sup>xi</sup> PMH-CEG: Informe 2020.

<sup>xii</sup> Voz de América.

<sup>xiii</sup> EE.UU. pone fin al acuerdo de "tercer país seguro" con Guatemala, *Deutsche Welle*

<sup>xiv</sup> Procurador de los Derechos Humanos. Guatemala.