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Guatemalan Migrants Deported

by LADB Staff

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Guatemalans seeking a better life in the north are being returned to their home country in rapidly increasing numbers, many in far worse condition than when they left. They are victims of new policies from a xenophobic US Department of Justice, new pressures on the Guatemalan government from the US Department of State, and an overall influx of foreigners that the US now finds intolerable.

The US Immigration and Naturalization Service (INS) reported in early February that the number of undocumented immigrants in the US doubled in the 1990s, to a figure, as of 2000, of seven million. The INS derived this number by a new methodology that tracks trends in migrants entering and leaving the country. The change in methodology yielded significantly higher numbers over previous estimates. These statistics translate to daily arrivals of Guatemalans to their home country, battered and beaten by their experience. They say they are assaulted and extorted before being deported, returning empty-handed and hopeless, having lost everything they worked for in their time abroad.

In the last 16 months, 72,000 Guatemalans have been expelled from the US and Mexico, most of them abused and humiliated. As an example, "Mario" left Guatemala in the 1980s for Los Angeles. At the height of his success there, he was earning about US\$50 a day driving a taxi. He was deported practically overnight after an automobile accident in which he was discovered to be without legal documentation. An INS charter flight brought him and 54 others home, where he now is unable to find work other than that of messenger earning about US\$225 a month, which he refused.

Between October 2001 and September 2002, the INS sent 70 such charter flights to Guatemala, loaded with 3,763 Marios and Marias. Another 2,215 followed from October 2002 to Feb. 28, 2003. Guatemalans were also returned on commercial flights at the rate of about 15 monthly.

Said Mario, "Coming back to Guatemala with empty hands is a painful thing, very difficult to overcome. I'm sorry I didn't get my papers in order in time, but the only thing I did was work to send money to my family." He has not given up on the idea of returning to Los Angeles. Mexico is also returning multitudes to Guatemala, among them nationals of other countries who are rounded up and sent along with the Guatemalans. The Mexican Instituto Nacional de Migracion and the Secretariat of the Interior have reported that Mexico expelled 66,857 migrants during 2002.

On the Guatemalan side of the border, Walter Arriaga of the Casa del Migrante in San Marcos said that in 2003 alone his organization has received some 2,000 migrants seeking assistance. In the capital, the organization sees another 250 returnees economically in extremis monthly. Arriaga pointed to a cycle by which poor economic conditions in Guatemala motivate ever-larger numbers of people to migrate, further bloating the numbers of those expelled.

Most of the deported find their way to Casa del Migrante because they have been assaulted, robbed, or extorted, said Carlos Lopez of the organization's office in the capital. "They come morally devastated, discouraged, and without the will to live. In Miami, Bernardo Villela, president of the Coalicion Nacional de Inmigrantes Guatemaltecos, said that more than 300,000 Guatemalans are still at risk for deportation because they lack documentation and because US immigration authorities have raised entry requirements since the events of Sept. 11, 2001. "It's a shame that, after having suffered so much for a chance to live better, they lose it in the blink of an eye," he said, adding that despite the risks, a high proportion of deported people come back and try again because they have no possibilities for a better future in Guatemala. These organizations say that more than 140,000 Guatemalans tried to cross the border in 2002. About 300,000 Guatemalans are living legally in the US, and an estimated 1.2 million are in the country undocumented.

Guatemala overwhelmed

Guatemala has no facilities to help or support the deportees when they arrive; there are no reintegration programs. "The majority return as displaced persons, their morale in the gutter, with nobody to help them," said Emilio Goubaud, director of the Alianza para la Prevencion del Delito. Many have no family to receive them. Some left Guatemala at a very young age. They don't know the country, and some don't even speak the language. This makes them susceptible to getting caught up in juvenile gangs or to commit crime to survive, and many already have experienced life in the streets and jails of the US. But even those who have no criminal records or problems with the law have no resources upon their return. They are frequently in crisis, further decreasing their possibilities of finding work.

Margarita Hurtado of the Facultad Latinoamericana de Ciencias Sociales (Flacso) said that there is no understanding of this problem in the country. "They come defeated and that causes grave resentment and frustration," said Hurtado. There is general agreement among authorities and institutions working with this problem that the solution lies in improving the conditions of life that cause the migrants to think that leaving the country is their only option. Beyond that, however, there are no plans or resources to accomplish that. But there are plans to ensure that migration will get tougher, and deportations will increase.

On the Mexican side of the border with the US, near San Diego, the government has put into operation Plan Sur, to beef up controls to catch people who try over and over again to get across the border. In Texas, authorities report increased complaints of assaults, robbery, and human rights violations against Guatemalans and other migrants on the border. On the Guatemala-Mexico border, in Tapachula, the railroad there has become known as the "train of death" because of the numbers of migrants who have died in boxcars and tank cars in their attempts to get north. From the border crossing at El Carmen, on the Guatemala side, come reports of hordes of people expelled from Mexico with nowhere to go. Those resources that the Guatemalan government has to direct at the problem seem to be channeled toward making it worse, rather than better. Cowed by a recent falling out of favor with the US government (see NotiCen, 2002-12-19), Guatemala has thrown its efforts into a joint operation with the Mexicans to heighten border security for the purpose of detecting probable Iraqi terrorists headed north.

Oscar Contreras, director of the Direccion General de Migracion (DGM), said US Embassy officials had told him that operatives of Saddam Hussein were using a route from Panama to Mexico to gain entry to the US. But mostly what the operation has turned up have been Guatemalans and other Central Americans. Contreras said his department receives about ten busloads, or 350 such people, every day. As evidence of a radical shift in US Department of Justice policy that portends still greater numbers of deportations, Attorney General John Ashcroft has decided to reconsider granting asylum to a battered Guatemalan woman whose husband has threatened to kill her if she returns to her country. This is part of a plan to revise gender-persecution regulations for asylum seekers. The woman was granted asylum in 1996, when an immigration judge found that she was entitled to stay in the US by virtue of having endured ten years of beatings, rape, and other torture at the hands of her husband, and of the Guatemalan state's failure to protect her.

In 1999, the INS appealed the decision, and the Justice Department's Board of Immigration Appeals reversed the decision. Janet Reno, then attorney general, vacated that decision and proposed regulations that would allow asylum to battered women who could show government complicity in their plight. But George W Bush, upon taking over the presidency, suspended the proposed regulations. Karen Musalo, the woman's lawyer, said that Justice Department sources have told her that Ashcroft intends to reinstate the immigration appeals-board ruling. Ashcroft has also notified five members of the appeals board that they are being dismissed. All five are Clinton administration appointees, and three were dissenters in the Guatemalan woman's case.

The board, according to immigration law expert Stephen Yale-Loehr, decides as many as 40,000 cases a year. Only a couple of thousand of those decisions are appealed in the courts. Yale-Loehr said, "For the vast majority of immigrants seeking relief or asylum, this is their last chance."

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