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## **Guatemala Given Little Chance At Temporary Protected Status For Its Citizens In U.S.**

*by LADB Staff*

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Guatemala's President Alvaro Colom paid a call at the White House April 28. There was some gifting of military stuff and laudation on drug cooperation, but there was one item on the agenda with the potential to make a difference in people's lives. Colom asked US President George W. Bush to extend Temporary Protected Status (TPS) to Guatemalans living in the US. Nicaragua and Honduras have had TPS since December 1998 as a result of the devastation visited upon them by Hurricane Mitch. El Salvador has had it since 2001, thanks to an earthquake. Guatemala might have had it, but the government of former President Alvaro Arzu (1996-2000) rejected it. Although Mitch damaged Guatemala, too, Arzu thought he could go it alone and did not need the help.

That was a bad decision, said an editorial in the national daily *El Periodico*. "That act of arrogance has impeded our country repeatedly from getting into TPS, despite our having solicited entry on repeated occasions. The last time our country requested entry into TPS was after the devastation that Hurricane Stan, which affected 75% of the national territory, left in 2005," said the paper. This editorial was written in October 2007. It was criticizing the government of former President Oscar Berger (2004-2008) for sitting on its hands while the neighbor countries all lined up to receive extensions to their TPS agreements. They expire from time to time and need to be renewed.

The disadvantage to Guatemala has been severe, both for the state and for its citizens living and working in the US and sending money home. Colom attempted to set things right with Bush, but his chances of getting in on an agreement that would prevent the repatriation of thousands of people the economy cannot absorb are slim. Recent estimates are that 1.2 million Guatemalans live in the US, and at least 60% of them are undocumented. So far this year, according to Guatemalan figures, 7,300 have been rounded up and deported. The conditions of deportation for many of these people have been inhumane, according to a Procuraduria de Derechos Humanos de Guatemala (PDH) report.

For the first quarter of 2008, 5,373 people were repatriated from the US, up from 4,467 the year before. For all of last year, the figure was 23,067. The report chronicles cases of humiliation and sexual abuse by US immigration officials and periods of incarceration in security lockups where they get little more than a cracker and a bottle of water a day for weeks or months and are "beaten and punished as a disciplinary measure so that they sign the order of deportation." Deputy human rights prosecutor Maria Eugenia Morales said the report documents cases of lack of medical attention and isolation as well as other "cruel and inhuman treatment and molestation at the hands of 'migrant hunters' in the US." As a result of the findings of the report, the PDH has requested the government to verify US department practices to secure humane treatment of citizens.

*Too many, too late*

Most experts do not give Colom's request for TPS much of a chance. Bush was evasive at the joint press conference where he recounted for reporters what had been discussed. He left TPS for last, after blueberry imports. "And finally," said Bush, "the president [Colom] brought up the issue of immigration. And he wanted to urge me to think about TPS TPS for citizens as well as comprehensive immigration reform. I assured him that I will consider his request, and I assured him that I believe comprehensive immigration reform is in our nations' best interests." Colom only said, through an interpreter, "We brought up TPS with the president. We will be awaiting a response on that." US Ambassador to Guatemala James Derham intimated Colom might be waiting a long time for anything positive. "TPS means," he told Prensa Libre, "something temporary, and really, in practice, it has not been. I can't speak for the White House, but I doubt that it will make it possible to extend TPS to Guatemalans." He explained that the 1.2 million Guatemalans involved is enough to make the designation prohibitive, saying that it "would be a very large number and very difficult to accept within this context."

The plain fact is, according to the diplomat, the Bush administration is going to do nothing. Derham said the government would leave the whole issue to the next president, after the November 2008 elections. That is an opinion shared by many in the US Guatemalan community. Marlon Gonzalez, a Miami resident and member of the Coalicion Nacional de Inmigrantes Guatemaltecos (CONGUATE), agreed there is no time for a better deal from this White House. He said deteriorating economic conditions in the US are aggravating an already bad migratory situation for his conationals. He said expectations for improvement are low in the community. "The most affected industry is construction," Gonzalez said, "the sector in which 60% of Guatemalans are involved. Besides, with the increase in gas prices, moving from one place to another is reason to think twice." People fear arrest and deportation, he said, and these things usually happen on the job.

Gonzalez sees a possibility that the deportation issue will take care of itself. "For all this, we know that many will decide on their own to return to Guatemala, because here they don't find work with so much regulation and formalities they ask for, but without documents, they cannot even apply for a job," he said. Fernando Munoz of the Movimiento de Inmigrantes Guatemaltecos en EEUU (MIGUA) said the raids are ceaseless, with captures of all nationalities of foreign workers reaching about 3,000 daily. "There's no discussion, and the media don't publish this as they used to," he said. "That makes you think the situation has calmed, but it is just the opposite. We know that two or three flights a day arrive in Guatemala with deportees every week." Gonzalez was speaking from Miami, Munoz from New York. In California, Edgar Ayala of Accion Guatemalteca de la Bahia was looking for more help from Colom than they had gotten previously. "We have insisted with [former Presidents] Alvaro Arzu, Alfonso Portillo [2000-2004], and Berger, but the matter never got past meetings where it just seemed like they rounded up Guatemalans to listen to promises that they never kept." He said their best chance now lies with the next US administration, which he hopes will be Democratic.

Ayala said Guatemalans are betting all on the coming US election. "The rest of this year we don't have many expectations, the only thing we hope is that the next government is Democrat, especially Obama, who has offered migratory reform." Gonzalez favors Clinton, who, he said, promised action early in her term. "According to them there are hopes of relief immediately after the elections," he said. All agreed the worst outcome would be the election of Republican John McCain, who initially seemed to support migrant's issues but reversed himself, said Munoz, "because of party interests."

Back in Guatemala, Juan Garcia of the Comité de Inmigrantes en Acción did not think much of Colom's TPS request or of his single-country appeal. "The TPS request of President Colom surprises me because they know that that framework still doesn't apply to our country. It would have been better for them to ask for a moratorium to stop the deportations or to manage it at the level of a Latin American migratory reform bloc." Former foreign minister Fernando Andrade agreed. He said Colom made his request because he had to, but added, "It would have been better to make a bloc proposal, because alone, we're not going to get very far."

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