

# Guatemala Human Rights Commission / USA

## Fact Sheet

### Immigration from Guatemala

#### Latino Migration to the US:

- ❖ The Latino population has tripled since 1980 to over 48.3 million in 2009.
- ❖ There are approximately 12 million undocumented immigrants in the US; 75% are Latino.
- ❖ 1.6 million Guatemalan immigrants (an estimated 960,000 undocumented) live in the US.

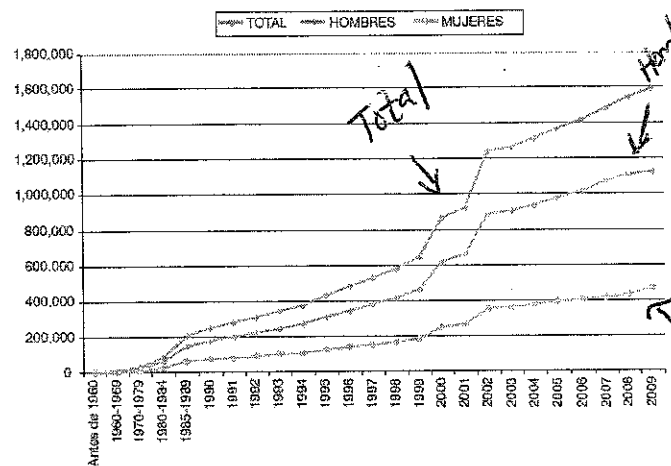
#### Remittances:

- ❖ Approximately 1.3 million Guatemalans send remittances home.
- ❖ One third of families receive remittances sent by family members in other countries: 97.7% of this money comes from Guatemalans living in the US.
- ❖ 57% of recipients of remittances live in rural areas while 43% live in urban areas.
- ❖ 63% of recipients are women while 71.5% of those sending remittances are men.

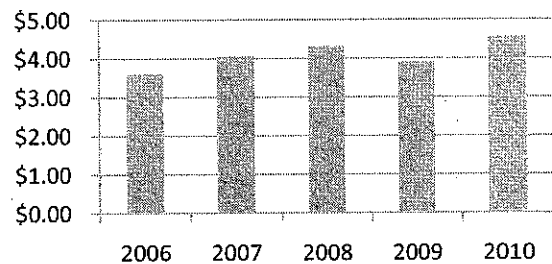
#### Why Do Guatemalans Come to the US?

- ❖ Historically, Guatemalans fled to the US to escape violence and persecution during the internal armed conflict.
- ❖ Today, people often migrate because of the lack of economic opportunities at home.
- ❖ Although the internal armed conflict has been over for more than a decade, Guatemalans still come to the US to escape violence. Recent increases in organized crime and gang activity have led to violence and instability in many Guatemalan communities.

**Guatemalan Population in the US**



**Remittances Received (in billions)**



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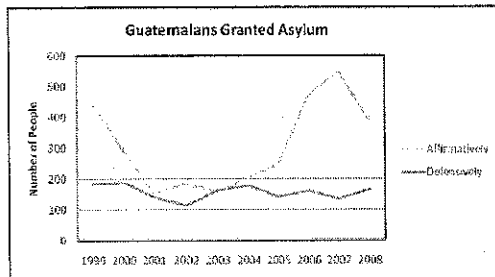
## Fact Sheet: Asylum



### What is "Asylum"?

Asylum is the protection that a government grants to refugees and people seeking sanctuary who demonstrate a well-founded fear of persecution. Between 1991 and 1999, the highest number of applicants for US asylum came from Guatemala (37,986). To qualify for asylum, the applicant must meet the legal definition of a refugee according to the Immigration and Nationality Act (INA)<sup>1</sup>:

- Past persecution and a valid fear of future persecution
- Government of home country is unable or unwilling to provide protection from persecution
- Internal relocation would not eliminate threat of persecution
- Persecution is based on *race, religion, nationality, political opinion, or membership in a particular social group*



(Source: "Yearbook of Immigration Statistics: Refugees and Asylees." Department of Homeland Security.)

### Types of Asylum:

**Affirmative:** Individuals who are physically present in the U.S., regardless of their current immigration status, may apply for affirmative asylum:

1. The asylum seeker must submit an application to a Department of Homeland Security (DHS) Asylum Office within one year of arrival in the U.S. There are 8 offices around the country.
2. An asylum officer interviews the applicant and determines eligibility.
3. If denied asylum, the applicant is referred to an immigration judge for a final decision. He/she has the right to appeal; if denied again, he/she is placed in removal proceedings and deported.

**Defensive:** Applicants already in removal proceedings may request asylum in order to remain in the U.S. (in defense of deportation).

1. Applicants request asylum before an immigration judge. As of June 2009, there were 233 immigration judges in the U.S.<sup>2</sup>
2. If the applicant is denied asylum, the immigration judge determines whether the applicant is eligible for any other forms of relief from removal.
3. If not eligible, the judge will order the individual removed from the U.S.
4. Under a 1996 law (IRIRA) a person subjected to extradited removal (caught on the border crossing) is required to be held in detention until a judge rules on the asylum claim.

In 2009, 155 Guatemalans were granted asylum in the U.S., out of 3,250 claims filed, making Guatemala the third highest source of claims (following China and El Salvador respectively).

### Problems Faced by Asylum Seekers:

- Far from their countries of origin, asylum seekers often face difficulties proving their identity or reason for fleeing. In many cases, judges must grant or deny asylum based solely on oral testimony.
- A lack of knowledge of the legal system and a lack of available interpreters can cause delays in asylum cases.
- A backlog of cases in immigration courts can drag cases out for years. As of April 2009, the backlog included 201,212 cases.<sup>3</sup>
- An option for legal representation is not provided by the government (as it is in criminal courts). Thus, asylum seekers must obtain resources to hire lawyers or find pro-bono representation. **In 2009, GHRC supported 36 cases with affidavits and expert testimony. GHRC especially supports cases of violence against women, victims of gang violence, and political persecution.**

## ESPERANZA



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