



Migration Governance Profile: Republic of Guatemala

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In 2015, the International Organization for Migration (IOM) developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)¹ were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators that could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as an input-based benchmarking framework that offers insights on policy measures that countries can use to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [Sustainable Development Goal Target 10.7](#), “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country profile presents a summary of well-governed areas of the Republic of Guatemala’s (hereafter referred to as Guatemala) migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.

¹ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of the Economist Intelligence Unit. Funding is provided by IOM’s Member States.

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With research and analysis by



Key findings

I. Adherence to international standards and the fulfilment of migrants' rights

I.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

Name of the convention	Ratification
Migration for Employment Convention (Revised), 1949 (No. 97)	Yes (1952)
Convention on the Status of Refugees, 1951	Yes (1983)
Convention relating to the Status of Stateless Persons, 1954	Yes (2000)
Convention on the Reduction of Statelessness, 1961	Yes (2001)
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child, 1989	Yes (1990)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990	Yes (2003)

I.2. Migration governance: Examples of well-developed areas

The Government of Guatemala gives priority to the rights of immigrants and has enacted legislation to ensure access to basic public services such as education, healthcare and security, on an equal footing with Guatemalan nationals.

In 2016, the Congress of the Republic of Guatemala adopted the [Migration Code](#) through Decree 44-2016, which took effect in May 2017 and is now being implemented. Article 2 of the Code guarantees access for immigrants to security, health services, education, employment and housing, among other things. Immigrants' rights are also enshrined in the [Constitution](#). Under Article 71, for example, the State is required to provide and facilitate education for its citizens free of discrimination, while Article 100 guarantees the right to the services and benefits available from the [Guatemalan Social Security Institute](#).

There are options for obtaining permanent residency and citizenship. A person with temporary resident status may obtain permanent residency after living in Guatemala and demonstrating to the immigration authorities that their situation is stable. To obtain citizenship, immigrants must first obtain "domiciled alien" status after two years of legal residence in Guatemala, or if they have Guatemalan children or parents, or are married to a Guatemalan national. Applicants from non-Central American countries must hold the "domiciled alien" status for five or more years in order to obtain citizenship. Spanish nationals are an exception to this, as they are treated in the same way as Central American citizens in virtue of a signed agreement. For persons from Central America (Belize, Costa Rica, El Salvador, Honduras and Nicaragua), a period of three years' residence in the country is required.

I.3. Areas with potential for further development

Currently, only two types of residence permits allow access to the job market: employment may be sought only in the specific cases of being married to a Guatemalan national or having a Guatemalan child. Moreover, Article 13 of the [Labour Code](#) prohibits companies from employing more than 10 per cent of immigrants and from paying them more than 15 per cent of their respective total wage bills, subject to the provisions of any special laws in this regard.

In the case of the public sector, the National Civil Service Office (ONSEC) is the body that regulates hiring in centralized and decentralized entities, and under the law, immigrants are hired when there are no nationals with the requisite skills. There are no restrictions on autonomous and semi-autonomous entities. Self-employed workers must fulfil the requirements laid down by the Tax Administration Supervisory Authority (SAT), which are similar for nationals and immigrants.

The [Migration Code](#) contains the concept of family reunification, though cases are currently being handled on an ad hoc basis, in other words, on a case-by-case basis, except for investors, pensioners or people of independent means, whose permits of residence include their family members. Family members eligible for reunification are parents, spouses and children of less than 18 years old or unmarried children and persons below 25 years of age. There are no restrictions on family reunification based on certain personal characteristics (such as gender).

No pension portability agreements have been signed with other countries.

Under the Constitution, the right to vote in local elections is reserved for citizens of Guatemala. It is important for specific mechanisms for civil participation to exist so that immigrants can be included as active members of society.

2. Formulates policy using evidence and whole of government approach

2.1. Migration governance: Examples of well-developed areas

Guatemala has domestic legislation regulating immigration and emigration. In 2016, the Congress of the Republic of Guatemala adopted the [Migration Code](#), which addresses the rights and duties of migrants.

There are government bodies with different migration-related responsibilities. The [Ministry of the Interior](#) is responsible for formulating the country's migration policy. The [General Directorate of Migration \(DGM\)](#) is a branch of the [Ministry of the Interior](#) and is specifically charged with implementing migration policy. The Government is implementing the new [Migration Code](#), on the basis of which the National Migration Authority (AMN) was set up and tasked with formulating migration policy.

Guatemala has been striving for greater horizontal and vertical migration policy coherence. The National Migration Authority is expected to act as the principal interministerial coordination body. The AMN comprises the Office of the Vice-President of the Republic, the Guatemalan Migration Institute (now the [DGM](#)), the Guatemalan National Council for Attention to Migrants (CONAMIGUA) and the Ministries of Foreign Affairs, Social Development, Labour and Social Welfare and of the Interior.

CONAMIGUA is a body set up in 2007 through Decree 46-2007, comprising the Guatemalan State authorities responsible for monitoring and protecting the human rights and individual guarantees of Guatemalans living abroad. However, it remained inactive for about eight months prior to the start of 2018, for lack of authorities. CONAMIGUA has been re-activated and has begun operational interministerial coordination and now participates in technical sessions with AMN as well as other institutions. The new [Migration Code](#) establishes interinstitutional coordination bodies such as the AMN, which is tasked with formulating, creating and overseeing migration policy and migration-related security. Likewise, the Council for Attention and Protection created under the [Migration Code](#) is now meeting and coordinating the preparation and adoption of regulations.

There are currently other coordinating bodies in operation. For example, there is a coordinating body for matters relating to migrant children and adolescents pursuant to Government Decision 146-2014, and others

such as the Inter-Agency Commission against Trafficking in Persons (CIT) and the National Commission for Refugees (CONARE). This latter body is currently suspended now that the AMN has been set up.

There are institutions in Guatemala that assist nationals residing abroad (embassies, consulates, labour attachés, ministries/offices for diaspora issues). According to the Ministry of Foreign Affairs (MINEX), there are 41 embassies or consulates in countries around the world.

As regards data collection and the availability of information, the DGM [web portal](#) periodically publishes figures on the number of persons returning by air and land, breaking down adults, children and adolescents by gender. In addition, the 2002 census included five questions on migration. It is also confirmed that the 2018 census likewise includes a module on migration.

2.2. Areas with potential for further development

The recent [Migration Code](#) has not been operationalized.

The country is now transitioning towards implementation of the measures laid out in the recent [Migration Code](#), which is not yet operational, a fact that is impeding the determination of future actions. Once the transition process is complete, AMN will need to table a draft working agenda. Furthermore, the [DGM](#) will become the Guatemalan Migration Institute, a decentralized body that will be charged with ensuring respect for the human right to migrate and safeguarding it through the proper administration of migration law, as well as providing timely assistance and protection for immigrants in Guatemala and Guatemalan emigrants who need these services.

The MINEX has proposed fundamental measures such as expanding diplomatic and consular representation abroad, strengthening channels of communication through which to offer support for Guatemalans living abroad, including their associations and leaders. Nevertheless, there are still no formal programmes for working with Guatemalans in the diaspora.

Civil participation by Guatemalans abroad is limited. The electoral law was nevertheless amended in 2017 to allow for voting abroad and work is now progressing on the mechanisms to be used. The Supreme Electoral Tribunal issued Decree 274-2016 on the regulations governing voting abroad, but its implementation is still at the planning stage.

3. Engages with partners to address migration and related issues

3.1. Migration governance: Examples of well-developed areas

Guatemala participates in several Regional Consultative Processes on Migration (RCPs). Besides, the country is a member of the [Regional Conference on Migration or Puebla Process \(RCM\)](#) and also participates in the Central American Commission of Directors of Migration (OCAM). Guatemala is also a participant in the [Global Forum on Migration and Development \(GFMD\)](#), *inter alia*.

The Governments of Mexico and Guatemala have signed over 40 agreements and memorandums of understanding, a reflection of the rapid evolution of their relations over recent years and the commitment of both countries to strengthening cooperation such that it translates into greater development, prosperity and security, especially for those living in the border area. Furthermore, in May 2018 the [Ministry of Labour](#) signed an Agreement on Labour Cooperation with Mexico in order to strengthen ties of cooperation and foster information sharing between both countries.

The Government is working formally with the private sector and civil society in getting to grips with migration issues. It was announced in June 2017 that the Inter-American Development Bank (IDB), the Governments of

El Salvador, Guatemala and Honduras, as well as the private sector will invest US\$750 million in energy, transport, water and tourism projects. The plan is to create economic and job opportunities in order to discourage migration towards the north of the continent. Meanwhile, the United Nations High Commissioner for Refugees (UNHCR) is undertaking institutional capacity building for the benefit of government officials responsible for refugee matters and is working with migration authorities to ensure compliance with the principles of international protection (IDB, 2017).

There are also initiatives such as the “[GUATE TE INCLUYE](#)” (Guatemala includes you) programme, which is an interinstitutional and intersectoral coordination initiative designed to ensure the participation of all stakeholders, thereby furthering social and job market inclusion for returning migrants. Participating in this initiative are private sector and civil society institutions as well as government bodies such as the [MINEX](#), the Social Welfare Secretariat, the General Directorate of Migration, and the [Ministry of Labour](#), among others.

Since 2005, Guatemala has been a party to the Convention on the creation of the single Central American visa for the free movement of foreign nationals between the Republics of El Salvador, Honduras, Guatemala and Nicaragua (CA4). The single visa permits free movement for foreign nationals on the territory of any of the Member States.

3.2. Areas with potential for further development

Currently, there are agreements such as the CA4 on the free movement of aliens, as well as customs agreements in place between Honduras, Guatemala and El Salvador, but so far none has addressed the topic of labour mobility.

Although Guatemala is a member of the Executive Committee of the Comprehensive Regional Protection and Solutions Framework (MIRPS) and an Observing Member of the UNHCR Executive Committee, it does not form part of the governing body of the International Organization for Migration (IOM).

The country maintains regular interaction with Guatemalan communities abroad through the consular missions of the [MINEX](#). This notwithstanding, there are no forums for formal collaboration with members of the diaspora and expatriate communities for devising migration programmes and implementing migration policy.

4. Advances the socioeconomic well-being of migrants and society

4.1. Migration governance: Examples of well-developed areas

As a receiving country, Guatemala has drawn up regulations promoting ethical practices in the hiring of immigrants. In 2016 the Congress of the Republic of Guatemala approved the [Migration Code](#), which guarantees that all persons present on the national territory will enjoy equal access to public employment services, pursuant to the [Constitution of the Republic](#), the Migration Code and other applicable norms. Besides, the [Migration Code](#) lays down the minimum social rights and entitlements in terms of security and assets and properties for everyone, irrespective of migration status. The provisions of the [Code](#) are currently in transition, but reflect the country's determination to guarantee the rights of migrants.

In 2014 Mexico and Guatemala signed an agreement to create instruments to furnish quantitative and qualitative information on the characteristics of migrant workers, which would feed into the elaboration of active labour policies. As an offshoot of the agreement, a campaign was mounted to inform the Guatemalan population about working in southern Mexico and about their labour rights. Guatemala also signed an agreement with Belize aimed at establishing a general framework for implementing a seasonal workers programme.

Guatemala allows unrestricted and equal access to primary and secondary education for international students. Fees charged by national universities are different for Guatemalan and international students, however.

Guatemala has formally adopted accreditation criteria for the recognition of foreign qualifications (degrees and/or diplomas, skills and expertise). Article 87 of the [Constitution](#) states that the University of San Carlos of Guatemala is the only one entitled to approve the credentials of professionals who are graduates of foreign universities and to set the preliminary requirements that must be met to that end, as well as to recognize university-level titles and diplomas covered by international treaties.

Moreover, the National Policy on Decent Work 2017-2032 provides for Priority Action 2, National Migration for Development Programme, specific aim of focal point 1, "Job creation", and for Priority Action 9, Job skills certification programme, specific objective of focal point 2, "Promoting labour certification of people with on-the-job training and of returning migrants in the framework of the National Vocational Training System", *inter alia*.

In the case of the [Directorate-General for Extracurricular Education \(DIGEEX\)](#), when distance learning or virtual courses are involved, the place of study must be certified and the relevant documents must be apostilled. [DIGEEX](#) also recognizes education and training acquired in other countries, provided that verification is possible.

4.2. Areas with potential for further development

Guatemala compiles information on the labour market broken down by migration status, but the data are not published online. On its official website, however, the [MINEX](#) does publish data on Guatemalan migrant workers abroad who register with that institution.

Demand for immigrant workers is not monitored in Guatemala, for example by means of lists of occupations facing human resource shortages. Likewise, Guatemala does not have different types of visas for attracting persons with specific professional skills nor has there been any national evaluation to gauge the effects of outmigration on the domestic labour market.

In Guatemala there are the [National Policy for the Promotion and Integral Development of Women \(PNPDIM\)](#) and the Equal Opportunity Plan 2008-2023 (PEO), being promoted by the [Presidential Secretariat for Women \(SEPREM\)](#), yet there are no specific measures to promote gender equality for immigrants on the job market.

A work permit must be obtained in Guatemala in order to engage in any kind of paid activity. International students holding residence permits for study purposes must apply for work permits. There are no provisions or regulations allowing or forbidding students to work during their studies. The only constraint for obtaining a work permit is that applicants must have a job offer to back up their application. No work permit is required, however, if a migrant worker is providing consulting or advisory services.

Although there is a substantial flow of remittances to Guatemala, there is no government scheme that actively encourages the sending of remittances. The Bank of Guatemala (BANGUAT) uses the IOM Migration and Remittances Survey to estimate the average cost of making remittances to Guatemala, as there is no official source of information. The country has a system for internally gauging aggregate remittance flows, which is fed with aggregate figures provided by private banks.

5. Effectively addresses the mobility dimensions of crises

5.1. Migration governance: Examples of well-developed areas

The Government has an emergency plan for managing large movements of people in times of crisis. In 2017, the [National Disaster Reduction Coordination Office \(CONRED\)](#) issued the [National Response Plan \(PNR\)](#) which covers the entire resident population in Guatemala, irrespective of migration status.

The country has communication systems for receiving information regarding the evolution of a crisis, communicating the needs of the population and providing information on ways of accessing assistance. Public alerts are effected using a colour-coded system (from green to red) that is declared by [CONRED](#), addressed to the population at large irrespective of migration status, and describe specific activities. Alerts are transmitted by radio, telephone, television and the Internet.

The Government has arrangements in place to assist Guatemalan nationals abroad in times of crisis (through consular assistance). For example, there is a call centre in Guatemala that offers assistance and provides information regarding consular protection for Guatemalan citizens living abroad. The registration of nationals residing abroad takes place on a voluntary basis. The number of Guatemalans abroad is estimated on the basis of consular actions as reported by the consular services.

The [Ministry of Foreign Affairs](#) has furthermore instructed its consular and diplomatic missions accredited abroad to draw up contingency plans to serve as action guidelines for the protection of the migrant Guatemalan population in crisis situations. There are currently 73 contingency plans.

5.2. Areas with potential for further development

The Government has a disaster response strategy (the [PNR](#)), though it contains no provisions addressing migration and displacement issues. The standards for disaster reduction also do not specifically address the migrant population, but are generally intended to benefit everyone.

Guatemala has no strategies for dealing with migration flows triggered by the adverse effects of environmental degradation or climate change (planned resettlement programmes, for example), nor are there any reports published on climate change adaptation plans.

The national development policy "[K'atun Nuestra Guatemala 2032](#)" (K'atun 2032 National Development Plan) does not address measures relating to displacement (for example, provisions on refugees, internally displaced persons or the reintegration of migrants returning voluntarily or involuntarily).

6. Ensures that migration takes place in a safe, orderly and regular manner

6.1. Migration governance: Examples of well-developed areas

There is an entity in Guatemala specifically tasked with comprehensive border control and security. The [Guatemalan Migration Institute](#) is currently in transition from being a department of the [Ministry of the Interior](#) and is responsible for controlling, and for verifying and ensuring that nationals and immigrants are able to enter, remain on, as well as exit Guatemalan territory. Besides, border control personnel receive specific and regular training.

The Guatemalan Government has a website operated by the [DGM](#), which lays out residency and visa options in a clear and easily understandable manner.

Similarly, with IOM assistance, the Guatemalan Government has improved its systems for receiving returnees, whether adults, children or adolescents. For example, a facility has been set up at La Aurora International Airport to receive unaccompanied migrant children and adolescents as well as returning families and better streamline the assistance provided following their return. As pertains to reintegration, the Returned Migrants Entrepreneurship Programme helps returnees find employment.

The [Secretariat against Sexual Violence, Exploitation and Trafficking of Persons \(SVET\)](#) is Guatemala's steering, coordinating and advisory body in matters of prevention, attention, prosecution and punishment of the crimes of sexual violence, exploitation and human trafficking. In the framework of the Inter-Agency Commission against Trafficking in Persons (CIT), the [SVET](#) compiles statistical information regarding preventive action as well as the care and repatriation of victims of human trafficking. Besides, the [SVET](#) receives monthly statistics on human trafficking from the Office of the Public Prosecutor, the Judiciary, the National Civil Police and the Attorney General of the Nation. At the regional level, Guatemala forms part of the Regional Coalition against Human Trafficking, which comprises Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Mexico and Panama.

National statistical data on human trafficking is also shared in this regional technical forum pertaining to the aspects of prevention, attention, and repatriation of victims as well as the prosecution and punishment of this crime.

6.2. Areas with potential for further development

The Government of Guatemala has improved its process of registering and providing immediate care for returnees both in reception centres and by creating training centres under the *Quédate* (Stay) programme being run by the Social Welfare Secretariat (SBS). These centres provide technical training for returning adolescents or those at risk of migrating, offering them tools and opportunities for becoming employable or self-employed in their departments of origin. Nevertheless, much remains to be done with respect to reintegration in the territories. This is crucial, as it empowers and protects returnees by giving them the tools and the assistance needed to become socially reintegrated in their country of origin.

Besides, there is no official programme or special government policy in Guatemala designed to attract people who have emigrated by encouraging them to return voluntarily. As things stand, this issue has so far had a very low profile on the Government's agenda.

Key sources

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