
**Note on Attached Model Immigration Court Filings
in Support of Fictional Guatemalan Indigenous Asylum Claim**

The following sample materials are intended to model some of the most common documents and motions an attorney will file in support of a client's asylum case in immigration court. All individuals and factual narratives referenced throughout the attached documents are fictional and were invented for the purposes of these model filings. The materials are intended to be reviewed simultaneously, as part of a single fictional case for a Guatemalan indigenous asylum claim in removal proceedings at an immigration court in the Ninth Circuit. The documents consist of the following:

- Model EOIR Form E-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court;
- Model Form I-589;
- Model Respondent Declaration;
- Model Nexus Statement;
- Model Pre-Hearing Brief;
- Model Supplemental Documents in Support of Asylum Case;
- Model Witness List; and
- Model Motion to Permit Remote Testimony.

Human Rights First prepared the attached model filings solely for educational purposes in January 2025. **Please be advised** that immigration law changes often. These materials are provided only as samples; they do not constitute legal advice, may not reflect case-specific recommendations regarding the approach to filing evidence or legal arguments in your case; and are not a substitute for independent research into the current law and practices applicable in your jurisdiction. Please contact your mentoring attorney at Human Rights First with any questions about these materials or your own case.

**Model EOIR Form E-28, Notice of Entry
of Appearance as Attorney or
Representative Before the Immigration
Court**

NAME AND ADDRESS OF REPRESENTED PARTY (Type or Print)			ALIEN ("A") NUMBER (Provide A-number of the party represented in this case.)
(First)	(Middle Initial)	(Last)	
(Number and Street)		(Apt. No.)	Entry of appearance for (please check <u>one</u> of the following):
(City)	(State)	(Zip Code)	<input type="checkbox"/> All proceedings <input type="checkbox"/> Custody and bond proceedings only <input type="checkbox"/> All proceedings other than custody and bond proceedings

Attorney or Representative (please check one of the following):

I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary), and I am not subject to any order disbarring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).

Full Name of Court _____ **Bar Number (if applicable)** _____

I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:

I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).

I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).

I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country).

I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

Attorney or Representative (please check one of the following):

I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.

EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 *et seq.* I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

EOIR ID NUMBER

DATE

X Davy Lays

NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS

Name: _____
(First) _____ (Middle Initial) _____ (Last) _____

Address: _____

Law Firm: _____
(Number and Street) _____

_____ (City) _____ (State) _____ (Zip Code)

Telephone: _____ Facsimile: _____ Email: _____

Check here if new address

Indicate Type of Appearance:

Primary Attorney/Representative Non-Primary Attorney/Representative

On behalf of _____ (Attorney's Name) for the following hearing: _____ (Date)

I am providing pro bono representation. Check one: yes no

Proof of Service

I (Name) _____ mailed, emailed or delivered a copy of this Form EOIR-28 on (Date) _____

to the DHS (U.S. Immigration and Customs Enforcement – ICE) at _____

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

X



Signature of Person Serving

APPEARANCES - An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at www.justice.gov/eoir. An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. *See Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review, available on EOIR's website at <http://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101^{et seq.}, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

FURTHER INFORMATION - For further information, please see the *Immigration Court Practice Manual*, which is available on the EOIR website at www.justice.gov/eoir.

ADDITIONAL INFORMATION:

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Model Form I-589, Application for Asylum and for Withholding of Removal and Protection Under the Convention Against Torture

***Note on Model Form I-589:** The below Model I-589 is provided as a sample only. Please be advised that in March 2025 – after the below Model Form I-589 was prepared – the Board of Immigration Appeals (BIA) issued a precedential decision in *Matter of C-A-R-R-*, 29 I&N Dec. 13 (BIA 2025), holding that an immigration judge is not required to consider a Form I-589 on the merits if it is “incomplete.” In April 2025, the Executive Office for Immigration Review (EOIR) then issued Policy Memorandum 25-28, *Pretermination of Legally Insufficient Applications for Asylum*, encouraging immigration judges to pretermit (i.e., deny without a hearing) an asylum application deemed to be incomplete. Further, in September 2025, the BIA issued a precedential decision in *Matter of H-A-A-V-*, 29 I&N Dec. 233 (BIA 2025), holding that immigration judges may pretermit an asylum application where the respondent has not established prima facie eligibility for asylum, withholding of removal, or protection under the Convention Against Torture, even when viewing the application in the light most favorable to the respondent.

As a result, counsel should ensure that every question and sub-question on Form I-589 is fully and explicitly answered on the form itself, rather than relying solely on an attached or forthcoming declaration. In addition, counsel should ensure that the Form I-589 itself contains sufficient factual detail to demonstrate prima facie eligibility for relief.

For additional background and recommendations, please see Human Rights First’s January 2026 Practice Advisory on Preterminations, available on our pro bono resource library. In addition, please consult with your mentoring attorney for up-to-date advice before filing your client’s Form I-589.

Larry Lawyer (CA Bar 55555)
Law Firm
101 Office Street
Los Angeles, CA 90001
Telephone: 999-999-9999
Email: lawyer@lawfirm.com
Pro bono counsel for Respondent

NON-DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
LOS ANGELES, CALIFORNIA**

In the Matter of)
Carmen PEREZ FUENTES) File No: A 123-456-789
In Removal Proceedings)

)

Immigration Judge: Hon. John J. Judge

Next Hearing: Jan. 1, 2025 at 1:00pm

**I-589, Application for Asylum and for Withholding of Removal and
Protection Under the Convention Against Torture**



Application for Asylum and for Withholding of Removal

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-589
OMB No. 1615-0067
Expires 09/30/2027

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A.I. Information About You			
1. Alien Registration Number(s) (A-Number) (if any) 123-456-789	2. U.S. Social Security Number (if any) N/A	3. USCIS Online Account Number (if any) N/A	
4. Complete Last Name Perez Fuentes	5. First Name Carmen	6. Middle Name	
7. What other names have you used (include maiden name and aliases)? N/A			
8. Residence in the U.S. (where you physically reside)			
Street Number and Name 123 Home Street		Apt. Number N/A	
City Los Angeles	State CA	Zip Code 90001	Telephone Number (999) 999-9999
(NOTE: You must be residing in the United States to submit this form.)			
9. Mailing Address in the U.S. (if different than the address in Item Number 8)			
In Care Of (if applicable):		Telephone Number ()	
Street Number and Name		Apt. Number	
City	State	Zip Code	
10. Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	11. Marital Status: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
12. Date of Birth (mm/dd/yyyy) 09/24/1990	13. City and Country of Birth Aldea Tiza, Guatemala		
14. Present Nationality (Citizenship) Guatemalan	15. Nationality at Birth Guatemalan	16. Race, Ethnic, or Tribal Group Mayan	17. Religion Catholic
18. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings.			
b. <input checked="" type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
19. Complete 19 a through c.			
a. When did you last leave your country? (mm/dd/yyyy) <u>12/03/2023</u>		b. What is your current I-94 Number, if any? <u>N/A</u>	
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)			
Date <u>12/23/2023</u>	Place <u>Yuma, Arizona</u>	Status <u>Asylum Seeker</u>	Date Status Expires <u>N/A</u>
Date _____	Place _____	Status _____	
Date _____	Place _____	Status _____	
20. What country issued your last passport or travel document? N/A	21. Passport Number <u>N/A</u>	22. Expiration Date (mm/dd/yyyy) <u>N/A</u>	
Travel Document Number <u>N/A</u>			
23. What is your native language (include dialect, if applicable)? K'iche'	24. Are you fluent in English? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	25. What other languages do you speak fluently? <u>N/A</u>	



Part A.II. Information About Your Spouse and Children

For EOIR use only.	For USCIS use only. Action: Interview Date: _____ Asylum Officer ID No.: _____	Decision: Approval Date: _____ Denial Date: _____ Referral Date: _____
--------------------	--	--

Your spouse I am not married. (Skip to Your Children below.)

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Date of Birth <i>(mm/dd/yyyy)</i>	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Other names used <i>(include maiden name and aliases)</i>
9. Date of Marriage <i>(mm/dd/yyyy)</i>	10. Place of Marriage	11. City and Country of Birth	
12. Nationality <i>(Citizenship)</i>		13. Race, Ethnic, or Tribal Group	14. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
15. Is this person in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 16 to 24.)</i> <input type="checkbox"/> No <i>(Specify location):</i> _____			
16. Place of last entry into the U.S.	17. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	18. I-94 Number <i>(if any)</i>	19. Status when last admitted <i>(Visa type, if any)</i>
20. What is your spouse's current status?	21. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	23. If previously in the U.S., date of previous arrival <i>(mm/dd/yyyy)</i>
24. If in the U.S., is your spouse to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No			

Your Children. List all of your children, regardless of age, location, or marital status.

I do not have any children. *(Skip to Part A.III., Information about your background.)*

I have children. Total number of children: 2.

(NOTE: Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A-Number) <i>(if any)</i> 123-456-780	2. Passport/ID Card Number <i>(if any)</i> N/A	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i> Single	4. U.S. Social Security Number <i>(if any)</i> N/A
5. Complete Last Name Perez Fuentes	6. First Name Eric	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i> 01/01/2021
9. City and Country of Birth Aldea Tiza, Guatemala	10. Nationality <i>(Citizenship)</i> Guatemalan	11. Race, Ethnic, or Tribal Group Mayan	12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input checked="" type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location):</i> _____			
14. Place of last entry into the U.S. Yuma, Arizona	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i> 12/23/2023	16. I-94 Number <i>(If any)</i> N/A	17. Status when last admitted <i>(Visa type, if any)</i> N/A
18. What is your child's current status? Asylum Seeker	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i> N/A	20. Is your child in Immigration Court proceedings? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			



Part A.II. Information About Your Spouse and Children (continued)

1. Alien Registration Number (A-Number) <i>(if any)</i> N/A	2. Passport/ID Card Number <i>(if any)</i> N/A	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i> Single	4. U.S. Social Security Number <i>(if any)</i> N/A
5. Complete Last Name Perez Fuentes	6. First Name Diego	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i> 02/02/2009
9. City and Country of Birth Aldea Tiza, Guatemala	10. Nationality <i>(Citizenship)</i> Guatemalan	11. Race, Ethnic, or Tribal Group Mayan	12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female

13. Is this child in the U.S. ? Yes *(Complete Blocks 14 to 21.)* No *(Specify location):* _____

14. Place of last entry into the U.S. N/A	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i> N/A	16. I-94 Number <i>(If any)</i> N/A	17. Status when last admitted <i>(Visa type, if any)</i> N/A
--	---	--	---

18. What is your child's current status? N/A	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i> N/A	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--	--

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

Yes
 No

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
--	---	---	---

5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
-----------------------	---------------	----------------	--------------------------------------

9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
------------------------------	--------------------------------------	-----------------------------------	---

13. Is this child in the U.S. ? Yes *(Complete Blocks 14 to 21.)* No *(Specify location):* _____

14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
---------------------------------------	--	---------------------------------	--

18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	---

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

Yes
 No

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
--	---	---	---

5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
-----------------------	---------------	----------------	--------------------------------------

9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
------------------------------	--------------------------------------	-----------------------------------	---

13. Is this child in the U.S. ? Yes *(Complete Blocks 14 to 21.)* No *(Specify location):* _____

14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
---------------------------------------	--	---------------------------------	--

18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---	---

21. If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

Yes
 No



Part A.III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates From (Mo/Yr) To (Mo/Yr)	
Casa 5	Aldea Tiza	Peten	Guatemala	09/1990	12/2023

2. Provide the following information about your residences during the past 5 years. List your present address first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates From (Mo/Yr) To (Mo/Yr)	
123 Home Street	Los Angeles	CA	United States	12/2023	Present
Casa 5	Aldea Tiza	Peten	Guatemala	09/1990	12/2023

3. Provide the following information about your education, beginning with the most recent school that you attended.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended From (Mo/Yr) To (Mo/Yr)	
Centro Educativo Tiza	Primary	Aldea Tiza, Guatemala	01/1995	01/2000

4. Provide the following information about your employment during the past 5 years. List your present employment first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates From (Mo/Yr) To (Mo/Yr)	
Hotel in Los Angeles, California	Housekeeping	01/2024	Present

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother Luz Perez Fuentes	Aldea Tiza, Guatemala	<input type="checkbox"/> Deceased Aldea Tiza, Guatemala
Father Juan Perez Fuentes	Aldea Tiza, Guatemala	<input checked="" type="checkbox"/> Deceased
Sibling Daniel Perez Fuentes	Aldea Tiza, Guatemala	<input type="checkbox"/> Deceased Los Angeles, CA
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased



Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

<input checked="" type="checkbox"/> Race	<input checked="" type="checkbox"/> Political opinion
<input type="checkbox"/> Religion	<input checked="" type="checkbox"/> Membership in a particular social group
<input type="checkbox"/> Nationality	<input checked="" type="checkbox"/> Torture Convention

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

No Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

NOTE: To avoid pretermination, please ensure your client answers every question and sub-question on the I-589 explicitly and provides sufficient factual detail to support a prima facie claim for relief. Your client's answers may be too long to fit in the I-589 text box; if so, you should continue the answer on a supplemental page attached to the I-589. Do not reference an external or forthcoming declaration. All information to support a prima facie claim should be included on the I-589 and supplemental pages.

Between approximately 2003 and 2023, members of the MS13 gang murdered my father and uncle. The same gang threatened and extorted me and my family members on a weekly basis for decades. Gang members raped me when I was approximately 16 years old. Gang members kidnapped my brother, Daniel, for ransom. They also threatened to kidnap me and my son Eric. The gang targeted me because I am an Indigenous K'iche' Mayan woman. They also targeted me and my family members because of our family membership and because we are indigenous.

B. Do you fear harm or mistreatment if you return to your home country?

No Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

I fear that members of the MS13 gang will kidnap, torture, and kill me. Members of MS13 have already killed two members of my family and kidnapped my brother, and they threatened to kidnap and kill me before I fled from Guatemala. I also fear that members of MS13 will kidnap and kill my son, Eric, because they threatened to do so before we fled Guatemala. The government will not protect me because there is no police presence in my region, and when I sought protection elsewhere in Guatemala, the police refused to help me because I am an Indigenous K'iche' woman.



Part B. Information About Your Application (continued)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States (including for an immigration law violation)?

No Yes

If "Yes," explain the circumstances and reasons for the action.

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

No Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

My family and I are indigenous Mayan and speak K'iche'. My family and I are Catholic.

3.B. Do you or your family members continue to participate in any way in these organizations or groups?

No Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

My family and I continue to identify as indigenous Mayan and speak K'iche'. My family and I remain Catholic.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

No Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

I am afraid I will be tortured by members of the MS13 gang. I fear members of MS13 will kidnap me, rape me, and kill me. Members of MS13 tortured and murdered my father in approximately 2003. Members of the gang raped me when I was a young girl, and have beaten me and threatened to kidnap and kill me many times since. Members of MS13 also threatened to kidnap and kill my son, Eric.



Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

No Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

My brother, Daniel Perez Fuentes, was granted asylum in 2019 and has been a Lawful Permanent Resident since 2021.

2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

No Yes

2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

No Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

Part C Question 2.A: After fleeing Guatemala in December 2023, my son Eric and I spent about twenty days transiting Mexico. We were not entitled to any lawful status while in Mexico. I did not apply for asylum in Mexico because I feared MS13 would be able to harm us in Mexico and the Mexican government could not protect us.

Part C Question 2.B: My brother, Daniel Perez Fuentes, was granted asylum in 2019 and has been a Lawful Permanent Resident since 2021.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

No Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.



Part C. Additional Information About Your Application (continued)

4. After you left the country where you were harmed or fear harm, did you return to that country?

No Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

5. Are you filing this application more than 1 year after your last arrival in the United States?

No Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States (including for an immigration law violation)?

No Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

On or about December 23, 2023, my son Eric and I entered the United States without inspection near Yuma, Arizona. We were apprehended and held in government custody for approximately three days, then released on our own recognizance.



Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I certify that I am physically present in the United States or seeking admission at a Port of Entry when I execute this application. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

WARNING: Applicants who are in the United States unlawfully are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name.

[Printed Name]

Write your name in your native alphabet.

[Printed Name]

Did your spouse, parent, or child(ren) assist you in completing this application? No Yes (If "Yes," list the name and relationship.)

(Name)

(Relationship)

(Name)

(Relationship)

Did someone other than your spouse, parent, or child(ren) prepare this application?

No Yes (If "Yes," complete Part E.)

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim?

No Yes

Signature of Applicant (The person in Part A.I.)



[Signed]

[Dated]

Sign your name so it all appears within the brackets

Date (mm/dd/yyyy)

Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer [Lawyer Signature]		Print Complete Name of Preparer [Lawyer Name]	
Daytime Telephone Number (999) 999-9999		Address of Preparer: Street Number and Name 101 Office Street	
Apt. Number 	City Los Angeles	State CA	Zip Code 90001
To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) <input type="text"/>	Attorney or Accredited Representative USCIS Online Account Number (if any) <input type="text"/>



Part F. To Be Completed at Asylum Interview, if Applicable

NOTE: You will be asked to complete this part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Asylum Officer

Part G. To Be Completed at Removal Hearing, if Applicable

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Immigration Judge



Application for Asylum and for Withholding of Removal Supplement A

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS

Form I-589

OMB No. 1615-0069

Expires 09/30/2027

A-Number <i>(If available)</i> 123-456-789	Date 01/01/2025
Applicant's Name Carmen Perez Fuentes	Applicant's Signature [Client Signature]

List All of Your Children, Regardless of Age or Marital Status

(NOTE: Use this form and attach additional pages and documentation as needed, if you have more than four children)

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location):</i> _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No			
1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status <i>(Married, Single, Divorced, Widowed)</i>	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth <i>(mm/dd/yyyy)</i>
9. City and Country of Birth	10. Nationality <i>(Citizenship)</i>	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input type="checkbox"/> No <i>(Specify location):</i> _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. <i>(mm/dd/yyyy)</i>	16. I-94 Number <i>(If any)</i>	17. Status when last admitted <i>(Visa type, if any)</i>
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No			





Application for Asylum and for Withholding of Removal Supplement B

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS

Form I-589

OMB No. 1615-0069

Expires 09/30/2027

Additional Information About Your Claim to Asylum

A-Number (if available) 123-456-789	Date 01/01/2025
Applicant's Name Carmen Perez Fuentes	Applicant's Signature [Client Signature]

NOTE: Use this as a continuation page for any additional information requested. Copy and complete as needed.

Part _____

Question _____



CERTIFICATE OF SERVICE

In Re:

Carmen Perez Fuentes

File No:

A 123-456-789

I, Larry Lawyer, hereby certify that on December 10, 2024 I filed the foregoing I-589, APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL AND PROTECTION UNDER THE CONVENTION AGAINST TORTURE, and any attached documents via ECAS, which will complete service on opposing counsel in the Department of Homeland Security. *See* IMMIGRATION COURT PRACTICE MANUAL, Chapter 3.2(a) (1).

Date: 12/10/2024

Larry Lawyer

Larry Lawyer

Law Firm

Pro bono counsel for the Respondent

Telephone: 999-999-9999

Email: lawyer@lawfirm.com

Model Respondent Declaration

***Note on Model Respondent Declaration:** The below Model Respondent Declaration has been included twice in these materials – first as a standalone document here, to provide an example of how a declaration may be prepared, and second as part of the Model Supplemental Documents in Support of Asylum Case (beginning on page 69 of this PDF), to demonstrate how a respondent’s declaration is generally filed with the immigration court.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA

In the Matter of)
Carmen PEREZ FUENTES) File No: A 123-456-789
Eric PEREZ FUENTES) A 123-456-780
In Removal Proceedings)

)

**DECLARATION OF CARMEN PEREZ FUENTES IN SUPPORT OF APPLICATION
FOR ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE
CONVENTION AGAINST TORTURE**

I, Carmen Perez Fuentes, swear and affirm that the following declaration in support of my application for asylum is true and correct.

1. My true and complete name is Carmen Perez Fuentes. I was born on September 24, 1990 in Aldea Tiza, Peten, Guatemala.
2. This declaration was prepared with the assistance of my attorney at Human Rights First in English, then translated into Spanish and orally interpreted to me in K'iche', my native language. I have reviewed this declaration in my native language, and I understand and agree to its contents.

Family Background and Childhood

3. I was born on September 24, 1990, in Aldea Tiza, Peten, Guatemala. My mother's name is Luz Perez Fuentes and my father's name was Juan Perez Fuentes. I am one of two siblings.
4. My family is Mayan and speaks K'iche'. Some of my relatives understand Spanish, but I do not. I attended school in Aldea Tiza for approximately five years.

5. My parents worked as fieldworkers. We did not own land, so my parents worked on other people's land. Our neighbors were other indigenous families, and we did not have any problems with the other families in our area when I was a young child.

MS-13 Began to Target My Family and Tortured and Murdered My Father

6. In approximately late 2002, when I was about twelve years old, members of the MS-13 gang came to my family's house in Aldea Tiza. I could tell they were members of the MS-13 gang because they had tattoos on their faces and arms. They told my father that he had to pay them a bribe or else they would kill him or kidnap me and my brother. My father refused to pay, and after the MS-13 members left, he told me and my siblings that we had to stay inside the house from then on to avoid being kidnapped by MS-13.
7. Members of MS-13 returned to our house every week or so to demand bribes from my father. In addition to threatening to kill us or kidnap us, they insulted us and called us "*mierdas indias*" ("shitty Indian") and beat my father when he refused to pay. When my father kept refusing to pay a bribe, they invited him to join the gang instead of paying them off and told him that people would leave our family alone if he did join. My father always refused to join the gang.
8. The MS-13 members were all *ladino* (the term used to refer to people of European descent) and came from outside Aldea Tiza. None were Mayan like me and my family. Some of the gang had learned to speak some K'iche', so I could understand some of what they said to my father when they came to the house. I was home every time they came to extort us since my parents did not allow us to leave the house out of fear that the gang members would kidnap me and my brother.
9. My family was scared that MS-13 would kill us or kidnap us, but there was nobody who could help us. There are no police in Aldea Tiza, and all the other families were too scared of the gang members to stand up to them. The other Mayan families in Aldea Tiza paid bribes in hopes that MS-13 would leave them alone, but my family did not own our own land and struggled to pay the bribes that gang demanded.
10. My parents were too scared to leave the house to work, but we had no other way to survive. In approximately December 2002, my father decided to flee to another distant part of Guatemala so he could work without threats from MS-13 and earn money to provide for us.

11. In approximately early 2003, a man I didn't know came to our house while I was home and asked to talk to my mother. He told my mother that MS-13 had killed my father, and he showed my mother a picture of my father's mutilated corpse. He said that members of MS-13 had hacked my father to death with a machete. I believe this man was a friend of my father's from the *finca* (a private farm) he had been working on.
12. My father had tried to get far away from Aldea Tiza in order to escape MS-13. After MS-13 killed him in another part of Guatemala, we could not afford to pay to have his body returned to us. We could not afford to travel to a city where we might find police or a court to report the murder to, and we didn't speak Spanish so we could not communicate with officials in order to make a report.
13. I believe MS-13 targeted and murdered my father because he was poor and indigenous, and they believed that he was more likely to join the gang since he couldn't afford to pay a bribe. I believe this because the *ladino* MS-13 members always called him racist insults like "*mierda india*" ("shitty Indian") when they threatened us in our home.

Members of MS-13 Raped Me and Bludgeoned Me with a Rock

14. After MS-13 murdered my father, my family and I went to live with my maternal grandmother in another house in Aldea Tiza. I lived there with my mother, brother, and my grandmother.
15. Even though we moved to another house, the same MS-13 members started coming to our new home to extort us and threaten us. They demanded a bribe every week, which we paid out of fear that they would kill us like they had killed my father.
16. My grandmother could not support our entire family, so as the eldest child I had to start working to help support our family. As a thirteen-year-old girl with only a few years of schooling, the only work I could find was in the fields.
17. I had to walk long distances to work on different farms, and members of MS-13 often preyed upon me and my family members as we walked to and from work. Every time they confronted me, they demanded all the money I was carrying. If I didn't have any money, they would beat me. They often carried pistols or knives and I was scared they would kill me like they had killed my father.

18. In one of these attacks, a group of approximately ten members of MS-13 cornered me while I was walking alone to the fields and began to push me. They had MS-13 tattoos on their hands and faces. They called me a “*mierda india estupida*” (“stupid indian piece of shit”) and pushed me to the ground.
19. When I was approximately sixteen years old, three members of MS-13 raped me and beat me badly while I was working in a corn field. When they came up to me, they called me “*mierda india*” (“shitty Indian”). During the attack, they forced a cloth into my mouth so that I could not scream, and they struck me in the head with a large rock. They did not attempt to rob me during this attack, they just attacked me and raped me without trying to take my money.
20. I still have a scar on my forehead from where they hit me with the rock. I also suffer from headaches and emotional problems. The men hurt my leg during the attack, and it remained painful for months afterwards. To this day, I struggle to carry more than fifteen or twenty pounds because of my injuries. I was not able to get medical care for my injuries because all the doctors and hospitals are hours away in the major cities, and nobody in Aldea Tiza had a car to help me get there.
21. I recognized the three men who raped me and beat me as MS-13 members who had threatened us at my house over the previous years, but I could not report the attack because there was no police or other authority in the area, and police officers and other officials generally only speak Spanish.

I Started a Family While MS-13 Continued to Threaten Me and Murdered My Uncle

22. Members of MS-13 did not stop threatening me and my family after they raped me. They continued to come to our house to extort us about once a week. When they came to the house, they often threatened to kill us if we did not pay. When my family members and I left our house to work, members of MS-13 would corner us on the path and demand we pay them a bribe. This went on for years, and even though my family barely had enough money to survive, we paid the bribes because we believed that the MS-13 members would act on their threats to kill us.
23. I believe MS-13 continued to focus on my family in particular because, after they killed my father, they saw me and the rest of my family as easy prey. They knew my family

and I had no adult males in our house to protect us, and without a male provider, we were poorer than the other families in Aldea Tiza and might be more likely to agree to work for the gang out of desperation.

24. When I was about eighteen years old, I began a relationship with a man named Octavio Lopez Lopez (“Mr. Lopez”). We had two children together: a son born in 2009 named Diego Perez Fuentes, and another son born in 2021 named Eric Perez Fuentes. We lived together in my grandmother’s house.
25. Members of MS-13 murdered my uncle, Jose Perez Fuentes, on approximately February 29, 2010. My uncle owned a small piece of land in a nearby hamlet called Ixcate, about five kilometers from Aldea Tiza, so the gang mistakenly believed that he must have had a lot of money. They demanded that he pay a bribe, and when he refused, they killed him. A gang member later told me that he had targeted my uncle because he was indigenous. We could not report the murder because there were no authorities in our area to report to.

I Tried To Live and Work In Other Parts of Guatemala, But MS-13 Hunted Me

26. I worried that MS-13 members would kill me because I struggled to have enough money to pay them bribes every time they demanded, and they beat me whenever I could not pay. I thought I might be able to escape from MS-13 by finding work in another part of Guatemala. In approximately 2012, I went to work on a *finca* (an agricultural estate) in Jalapa, a town on the other side of Guatemala and a full day’s drive from Aldea Tiza.
27. Shortly after I left for Jalapa, MS-13 members came to my grandmother’s house in Aldea Tiza and asked where I had gone. My grandmother lied and said she didn’t know, but they still found me in Jalapa. I don’t know how they found me, but MS-13 has members in every part of Guatemala.
28. MS-13 members confronted me while I was working in Jalapa and demanded money. I recognized these men from Aldea Tiza, as they had attacked me and threatened me before. When I told them that I didn’t have any money, they beat me and called me “*malnacida indígena*” (literally, “ill-bred Indian,” used as a highly offensive insult in Guatemala.)

29. One of them, a *ladino* man who was about 50 years old and spoke K'iche', told me he had participated in the murder of my uncle in 2010, and that they had extorted my Uncle because he was indigenous and killed him when he didn't pay.
30. I could not report this attack because I was far from the capital or any other area where police might be, and because I could not communicate with *ladino* officials who speak Spanish. The *ladino* man who I was working for on the *finca* witnessed the attack, but he didn't do anything to help nor did he call the police for me.
31. I tried to keep working in Jalapa cutting and cleaning coffee beans, but I struggled to keep up with the hard labor because I had injuries from the attack by MS-13 members. My leg became swollen and painful. The *ladino* owner of the *finca* mocked me and insulted me for being Indigenous and for not understanding Spanish. He called me an "*estupida india*," ("stupid Indian"). He didn't treat any other workers this way. He also only paid me 40 Quetzales per week, less than the other workers told me they were making. After about two months, I was completely unable to work due to my physical condition and had to return home to Aldea Tiza.
32. I did not feel safe after returning to Aldea Tiza. MS-13 extorted me or threatened me almost every time I left my house. I was so scared to leave my house that I could not work.
33. A few months later, in approximately 2012, I left again and went to Guatemala City looking for work.
34. I found a job in a restaurant, and the owner allowed me to live with him. One day during this time, I was robbed by MS-13 members in the street while I was running errands. They threatened me with pistols and knives. They called me an "indian" and robbed me of all the money I had.
35. I went to a police station to make a report, but I struggled to communicate with the officers because they only spoke Spanish. They laughed at me and called me a "*jodida india*" ("fucking Indian"). The officers did not take a report.
36. The restaurant owner was a *ladino* man. I told him that MS-13 had robbed me but he only said "*pinche indigena*" ("fucking Indian") and did nothing to help me. He forced me to work very hard and only paid me 7 Quetzales per day. I struggled to keep up with the work and to survive on this income, especially after the robbery.

37. I tried to find another job where I could earn more money and afford to bring my children and partner to live with me in Guatemala City, but nobody would hire me. All of the businesses are owned by *ladino* people who do not treat Mayan people well. I asked many people if they could offer me work, but most of them called me racist names like “*pinche india*” (“fucking Indian”) and refused to help me.

38. About a year or two after I moved to Guatemala City, I was robbed another time by a large group of MS-13 members. There were *ladino* men and women in this group. Some of them spoke K’iche’ with an accent typical of *ladino* people who have learned the dialect. They had MS-13 gang tattoos on their faces and arms. They demanded 15 Quetzales. When I refused, they shoved me and threatened me with guns and knives, and took all the money I was carrying by force.

39. There were many other people on the street at the time, but nobody helped me. The gang members did not rob or bother any of these *ladino* people, only me. I was dressed in traditional clothing used only by indigenous women, a *huipil* and *corte*, and wore a *liston* in my hair. I believe the gang members targeted me because they could see I was an indigenous woman.

40. Immediately after the robbery, I went to a police station in Guatemala City. I tried to tell the police officers at the station that I had just been robbed and wanted to make a report. The officers laughed at me for speaking K’iche’ and refused to take a report. They called me “*mierda india*” (“shitty Indian”) and mocked the way I spoke. Instead of taking my report, the police officers grabbed me by my hair and dragged me out of the station and into the street.

41. I had nowhere else to go and no way to survive on my own in Guatemala City, so I returned home to Aldea Tiza. I was scared that MS-13 would kill me in Aldea Tiza, but I knew I was not safe in the capital either.

My Partner Disappears And Final Years in Guatemala

42. After returning to Aldea Tiza, I lived with Mr. Lopez in my grandmother’s house. Mr. Lopez treated me well and helped provide for our family. However, members of MS-13 continued to come to our house demanding bribes every week and threatening to kill us

if we did not pay. We always paid when we had the money, and this way we were able to scrape by for years after my uncle's murder.

43. In about March 2018, members of MS-13 kidnapped my brother, Daniel Perez Fuentes, while he was working on a farm. Armed men held him captive in a cave for approximately two weeks, during which time they beat him with metal rods and threatened to cut his head off with a machete. They called him a "good for nothing Indian," and "an illiterate piece of shit." I believe that MS-13 targeted my brother because they know the police do not protect indigenous people and would not get involved.
44. The men who kidnapped my brother called my mother and told her they would kill my brother if she did not pay a ransom of 21,000 quetzales. They told my mother not to call the police, and told her that they had contacts in the police and would find out if we did report the kidnapping, and could kill our family. Our family believed the gang would follow through on their threats to kill my brother if we did not pay, so we borrowed the money from relatives in the United States. Once we had the money together, my mother paid the ransom and MS-13 released my brother, dumping him on the outskirts of a town with serious injuries. We did not report the kidnapping because we were scared of the gang's threats and because there were no local police to help us.
45. My brother fled to the United States a short time later and was granted asylum in 2022.
46. Even after kidnapping my brother, MS-13 continued to extort me and my family. We struggled to pay the bribes they demanded of us. When we could not pay, they told my partner, Mr. Lopez, that they would kill him if he failed to pay again. They also threatened to kidnap our infant son, Eric, who was born in 2021. Mr. Lopez feared for his life because he could not earn enough money to pay the bribes the gang demanded. In approximately late 2022, he told me that he was leaving for Mexico out of fear for his life. We did not have enough money for me and our children to leave with him, so Mr. Lopez left us behind.
47. I have not heard from Mr. Lopez since he left two years ago. While I was still in Guatemala, his mother told me that he was in Mexico, but his mother has since passed away and I have no idea what happened to him or whether he is alive. MS-13 threatened him many times, so it is possible they kidnapped or killed him.

MS-13 Murdered My Grandmother and Threatened To Kidnap and Kill Me

48. In October 2023, a group of MS-13 came to our house and demanded their weekly bribe. My grandmother, Lourdes Fuentes, could no longer stand the years of constant extortion, threats, and physical attacks. Instead of paying the bribe as we had for twenty years, my grandmother tried to stand up to the gang members, and told them “Enough already, I am a very old woman and cannot pay anymore.” The gang members became furious. One of the men shoved my elderly grandmother to the ground so hard that she died in front of me and my family.

49. Even after murdering my father, uncle, and grandmother, members of MS-13 continued to extort and threaten me and my surviving relatives. By this time, most of my siblings and other extended relatives had fled Guatemala out of fear that they would be killed just like my father, uncle, and grandmother. I started to believe that I had no choice but to leave Guatemala or die at the hands of MS-13.

50. In November 2023, a few weeks after killing my grandmother, members of MS-13 came to my house and told me that I should not try to escape from them, because they would find me and kill me wherever I went. They also threatened to kidnap my youngest son, Eric. They told me they wanted to kidnap Eric in particular because, as my youngest child, they could easily traffic him and sell him in another country.

51. I believed they were singling me out because I was an indigenous woman and because, after Mr. Lopez left, I was one of the few women in Aldea Tiza without any man in the house to protect me. The MS-13 members told me during this time that I was a “stupid Indian” and that “nobody wanted to be with and that’s why I did not have a man.” I recognized one of these gang members who came to my house in this period as one of the three men who had raped me and smashed my head with a rock approximately sixteen years earlier.

I Fled From Guatemala Out of Fear For My Life

52. After MS-13 members murdered my grandmother and threatened to kill me, I feared that MS-13 members were going to kill me or kidnap my son Eric soon no matter what I did. It felt like they would never leave me and my family alone no matter what we did. I believed I had to escape quickly in order to save my life.

53. I left Guatemala with my son Eric on approximately December 3, 2023. I transited Mexico by bus over the next twenty or so days. I left my other son, Diego in the care of my mother, because MS-13 had threatened to kidnap Eric in particular so I thought he was the most at risk.

I Could Not Remain In Mexico Safely

54. Throughout my time in Mexico, I was scared that MS-13 would find me and act on their threat to kill me for trying to escape from them. I know they have many members throughout Mexico and can find people.

55. While I was in Mexico, Mexican police officer called me racist names and made fun of me because I could not speak Spanish. I was very scared of them because of the way that police officers had attacked me and abused me in Guatemala.

56. Due to my overwhelming fear of MS-13 in Mexico and of the police in Mexico I was determined to enter the United States as soon as possible to find safety for myself and for my infant son, Eric. I crossed under a wire fence and entered the United States near Yuma, Arizona on approximately December 23, 2023. After entering the United States, I walked with a group of migrants whom I did not know for an hour or two before I was apprehended by immigration officials.

57. I had never owned a telephone before coming to the United States. I had never heard of the CBP One application until speaking with my lawyer months after entering the United States. I do not understand very much Spanish, so I cannot use most phone applications even with help from others.

Life In the United States

58. I now reside in Los Angeles, California with my son Eric and some of my relatives who fled from Guatemala before me and their families. I am safe here with my surviving family members and wish to remain here and reunify with my son Diego, who remains in Guatemala.

59. I still suffer from the attacks I endured at the hands of MS-13 members. I still have a scar on my head from when I was struck on a head with a rock. Sometimes I get overwhelmed by my thoughts about what happened to me in Guatemala.

60. I worry for my son who is in Guatemala in the care of my mother. He does not leave the house because we are scared that MS-13 will hurt him. MS-13 continues to threaten my mother and my son, and gang members have beaten my mother since I left.
61. I also worry that, if I return to Guatemala, that MS-13 will kill me because they promised me that they would kill me if I left the country, and the gang members have shown that they carry out their threats by killing my father, uncle and Grandmother.
62. I cannot live safely anywhere in Guatemala, because I have learned from my own experience that MS-13 can find me and harm me anywhere in the country as they did in Aldea Tiza, Jalapa and Guatemala City. I know the authorities cannot protect me, because I have tried on two occasions to report attacks by MS-13 to the police, and both times the police refused to help me and mocked me because I am an indigenous woman.

Conclusion

63. For the above-stated reasons, I respectfully request asylum, so that my son and I may remain safely in the United States.

[Signed]

Signature

[Dated]

Date

Model Nexus Statement

Larry Lawyer (CA Bar # 999999)
Law Firm
101 Office Street
Los Angeles, CA 90011
Telephone: 888-888-8888
Email: larrylawyer@lawfirm.com
***Pro bono* counsel for Respondent**

NOT DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA**

In the Matter of:)
Carmen PEREZ FUENTES) File No: A 123-456-789
Eric PEREZ FUENTES) A 123-456-780
In Removal Proceedings)

)

Immigration Judge: Hon. John Judge Individual Hearing: Dec. 25, 2025

RESPONDENTS' NEXUS STATEMENT

RESPONDENTS' NEXUS STATEMENT

Respondents Carmen Perez Fuentes and Eric Perez Fuentes, through undersigned *pro bono* counsel, seek Asylum, and in the alternative, Withholding of Removal or protection under the Convention Against Torture. Respondents seek asylum and withholding of removal based on past persecution and fear of future persecution in Guatemala on account of the following protected grounds:

1. Carmen Perez Fuentes seeks asylum and withholding of removal on account of her race as an Indigenous Mayan woman in Guatemala, her actual and imputed anti-gang political opinion, and her membership in the following particular social groups: (1) Guatemalan women; (2) Indigenous Guatemalan women; (3) non-Spanish speaking Guatemalans; (4) members of the Perez Fuentes family.
2. Eric Perez Fuentes seeks asylum and withholding of removal on account of his race as an Indigenous Guatemalan, his imputed anti-gang political opinion, and his membership in the following particular social groups: (1) Indigenous Guatemalans; (2) members of the Perez Fuentes family.

Respectfully submitted,

Dated: 01/01/2025

/s/ Larry Lawyer

Larry Lawyer, Esq.
Human Rights First
Pro bono Counsel for Respondents

CERTIFICATE OF SERVICE

In Re:
Carmen PEREZ FUENTES
Eric PEREZ FUENTES

File Nos.:
A 123-456-789
A 123-456-780

I, Larry Lawyer, hereby certify that on 01/01/2025, I filed the foregoing RESPONDENT'S NEXUS STATEMENT, and any attached documents via ECAS, which will complete service on opposing counsel in the Department of Homeland Security. *See* IMMIGRATION COURT PRACTICE MANUAL, Chapter 3.2(a)(1).

/s/ Larry Lawyer

Larry Lawyer

01/01/2025

Date

Model Pre-Hearing Brief

***Note on Model Pre-Hearing Brief:** The below Model Pre-Hearing Brief is provided as a sample only. Please be advised that in July 2025 – after the below Model Pre-Hearing Brief was prepared – the Board of Immigration Appeals (BIA) issued a precedential decision in *Matter of K-E-S-G-*, 29 I&N Dec. 145 (BIA 2025), and in September 2025, the Attorney General issued a decision in *Matter of S-S-F-M-*, 29 I&N Dec. 207 (A.G. 2025) reinstating *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018) (“*A-B- I*”) and *Matter of A-B-*, 28 I&N Dec. 199 (A.G. 2021) (“*A-B- II*”). Together, *Matter of K-E-S-G-* and *Matter of S-S-F-M-* may affect asylum claims based on gender or domestic violence. In addition, in September 2025, the Attorney General issued a decision in *Matter of R-E-R-M- & J-D-R-M-*, 29 I&N Dec. 202 (A.G. 2025), which reinstates *Matter of L-E-A-*, 27 I&N Dec. 581 (A.G. 2019) (“*L-E-A- II*”). This decision may affect asylum claims based on family membership. These cases are not addressed in the below Model Pre-Hearing Brief.

Before preparing a pre-hearing brief for your client, please conduct independent research into the current law and practices applicable in your jurisdiction. In addition, please consult with your Human Rights First mentoring attorney for up-to-date advice and review.

Larry Lawyer (CA Bar # 999999)
Law Firm
101 Office Street
Los Angeles, CA 90011
Telephone: 888-888-8888
Email: larrylawyer@lawfirm.com
***Pro bono* counsel for Respondent**

NOT DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA**

In the Matter of:)
Carmen PEREZ FUENTES)
Eric PEREZ FUENTES) File No: A 123-456-789
) A 123-456-780
In Removal Proceedings:)
)

Immigration Judge: Hon. John Judge Individual Hearing: Dec. 25, 2025

**RESPONDENTS' PRE-HEARING BRIEF IN SUPPORT OF APPLICATIONS
FOR ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER
THE CONVENTION AGAINST TORTURE**

PRELIMINARY STATEMENT

Carmen Perez Fuentes (hereinafter “Ms. Perez Fuentes”) and her son, Eric Perez Fuentes (hereinafter “Eric”), by and through their *pro bono* counsel, respectfully request the court grant their applications for asylum pursuant to Section 208 of the Immigration and Nationality Act of 1952 (“INA”), or in the alternative, withholding of removal pursuant to INA § 241(b)(3)(B), and under Article III of the United Nations Convention Against Torture Act (“CAT”).

Asylum should be granted to Ms. Perez Fuentes and Eric, who fled brutal persecution and discrimination as members of Guatemala’s ethno-linguistic Mayan minority. When Ms. Perez Fuentes was twelve years old, MS-13 hacked her father to death. At sixteen years old, MS-13 members raped Ms. Perez Fuentes and smashed her head with a rock. When Ms. Perez Fuentes fled to a different part of Guatemala, MS-13 hunted her down, beat her, and called her a “good for nothing Indian.” In the few places Ms. Perez Fuentes found work, her employers singled her out for abuse and called her a “stupid Indian.” Ms. Perez Fuentes sought protection from Guatemalan police officers, but they dragged her by her hair and called her a “fucked up Indian.” Over a twenty-year period, MS-13 targeted Ms. Perez Fuentes’s family because of their race and their resistance to the gang, and hunted them to near extinction, killing three members of the family, kidnapping her brother, raping her, and threatening to kill her if she tried to escape like her siblings before her.

Ms. Perez Fuentes and Eric are unable to return to Guatemala due to Ms. Perez Fuentes’s well-founded fear of persecution on account of her Indigenous Mayan race; her membership in the particular social groups of “Guatemalan women,” “Indigenous Guatemalan women,” “non-Spanish speaking Guatemalans,” and “members of the Perez Fuentes family;” as well as Ms. Perez Fuentes’s actual or imputed political opinion opposing MS-13.

Accordingly, Ms. Perez Fuentes and Eric are eligible for asylum in the United States because they meet the definition of “refugee” under 8 USC 1101(a)(42)(A), and are not barred from asylum for any of the reasons described in § 208(a)(2) of the INA. Ms. Perez Fuentes and Eric are each entitled to withholding of removal to Guatemala under the Act and CAT protection because each are more likely than not to be tortured and killed if they are forced to return to Guatemala.

I. STATEMENT OF FACTS

The lead Respondent, Carmen Perez Fuentes, has submitted a detailed declaration describing her experiences in Guatemala that give rise to her eligibility for protection. *See Declaration of Carmen Perez Fuentes (“Carmen Decl.”) at Tab C.* Ms. Perez Fuentes incorporates that declaration in its entirety herein.

Ms. Perez Fuentes was born into a family of K’iche’-speaking Indigenous Mayans in a rural area of the Petén department, Guatemala. Carmen Decl. ¶¶ 4-6, Tab C. The MS-13 gang began extorting Ms. Perez Fuentes’s family in approximately 2002, and hacked her father to death when he refused their demands and tried to escape them. *Id.* ¶¶ 7-12. In the years that followed, the gang raped Ms. Perez Fuentes, murdered her uncle and grandfather, and kidnapped her brother. *Id.* ¶¶ 20, 26, 42, 51. Her brother, Daniel Perez Fuentes, fled to the United States and was granted asylum in 2022. Declaration of Daniel Perez Fuentes ¶ 16, Tab C. The gang members were *ladinos* (non-Indigenous Guatemalans), and one of them told Ms. Perez Fuentes that he had participated in murdering her uncle and had targeted him because he was Indigenous. Carmen Decl. ¶ 30, Tab C.

Ms. Perez Fuentes attempted to relocate within Guatemala multiple times, but MS-13 located her and attacked her each time. *Id.* ¶¶ 27-30, 44-47, 33-36. On one occasion, *ladino* gang

members robbed Ms. Perez Fuentes on the street while she was dressed in traditional Indigenous clothing, yet made no attempt to rob any of the many *ladino* people present. *Id.* ¶¶ 46-47. Ms. Perez Fuentes attempted to report to the police, but the police called her a “fucking Indian” and “shitty Indian,” and on one occasion, dragged Ms. Perez Fuentes by her hair into the street. *Id.* ¶¶ 37, 48. Ms. Perez Fuentes’s *ladino* employers called her racist names like “stupid Indian,” and “fucking Indian,” and paid her less than their other employees. *Id.* ¶¶ 32, 38.

In 2023, MS-13 murdered Ms. Perez Fuentes’s grandfather in their home after he attempted to resist the gang’s demands. *Id.* ¶ 51. MS-13 members told Ms. Perez Fuentes that they would find her and kill her if she tried to escape, and that they would kidnap her son, Eric, and traffic him to another country. *Id.* ¶ 53. Ms. Perez Fuentes and Eric fled Guatemala in fear for their lives, entering the United States on or about December 23, 2023. *Id.* ¶¶ 55, 60. Since entering the United States, Ms. Perez Fuentes has been diagnosed with a traumatic brain injury and Post Traumatic Stress Disorder arising from the twenty years of violence she suffered at the hands of MS-13. *See* affidavit of Dr. Medical Expert, Tab D. Ms. Perez Fuentes fears that MS-13 will kill her and Eric if they return to Guatemala. Carmen Decl. ¶ 65, Tab C.

II. COUNTRY CONDITIONS IN GUATEMALA

“An indigenous woman in Guatemala is more likely than all her fellow citizens to be sick, illiterate, and poor...that’s if she’s not dead already.” Reuters p. 328-29, Tab G. In Guatemala, “women are viewed as inferior.” Decl. Of Linda Green ¶ 19, Tab G. During Guatemala’s 30-year civil war, from 1960-1996, women were subject to high levels of violence and rape. *Id.* ¶ 17. Today, Guatemala remains “one of the most dangerous places for women in Latin America.” *Id.* ¶ 20. Indigenous women are especially “susceptible to attacks and violence.” *Id.* ¶ 23. Police in Guatemala victimize indigenous women because they “maintain the racism

and training that motivated the acts of violence [they committed] against Mayan women during the war.” *Id.* ¶ 26.

Gangs like MS-13 target Indigenous women and children because they are “the most vulnerable residents.” *Id.* ¶¶ 35-36. If an individual refuses to join a gang, the gang may retaliate against the entire family, especially against families headed by Indigenous women. *Id.* ¶ 36. Furthermore, “police throughout the country are unlikely to want to help an indigenous woman because they too often share the racist view of indigenous inferiority.” *Id.* ¶ 47. Reporting crimes is futile due to the widespread corruption of the Guatemalan police, who view Indigenous Guatemalans as inferior. *Id.* The law in Guatemala is “overlooked” and “there is no effective system in place of enforcement.” Declaration of Emma Expert ¶ 20, Tab E. This is especially true for “women from rural areas who do not speak Spanish,” such as Ms. Perez Fuentes. *Id.*

III. MS. PEREZ FUENTES SHOULD BE GRANTED ASYLUM

A. Ms. Perez Fuentes Is a Refugee

A “refugee” is any person who is unable or unwilling to return to her home country because of persecution or a well-founded fear of persecution that is on account of race, religion, nationality, membership in a particular social group or political opinion. 8 U.S.C. § 1101(a)(42)(A). Asylum may be granted to an applicant who can establish that they are a refugee and have suffered past persecution, or in the absence of it, hold “a well-founded fear of future persecution” by showing both a subjective fear of future persecution as well as an objectively ‘reasonable possibility’ of persecution upon return to the country in question. *See* 8 C.F.R. § 1208.13(b); *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1029 (9th Cir. 2019). “Even a ten percent chance of persecution may establish a well-founded fear.” *Al-Harbi v. INS*, 242 F.3d 882, 888 (9th Cir. 2001).

Ms. Perez Fuentes satisfies all elements of the refugee analysis. As set forth below, Ms. Perez Fuentes has suffered a lifetime of severe persecution as an Indigenous Mayan woman in Guatemala. She has been raped, assaulted, and threatened by gangs, and abused and discriminated against by employers and police officers. Further, Ms. Perez Fuentes has a well-founded fear of future persecution on account of her Indigenous Mayan race, her actual or imputed political opinion opposing the MS-13 gang, and her membership in the particular social groups of “Guatemalan women;” “Indigenous Guatemalan women;” “non-Spanish speaking Guatemalans;” and “members of the Perez Fuentes family.” Finally, the government of Guatemala is unwilling or unable to protect Ms. Perez Fuentes.

1. Ms. Perez Fuentes Suffered Past Persecution

Past persecution is defined as the infliction of suffering or harm upon those who differ “in a way regarded as offensive.” *Karouni v. Gonzales*, 399 F.3d 1163, 1172 (9th Cir. 2005); *Ghaly v. I.N.S.*, 58 F.3d 1425, 1431 (9th Cir. 1995). Persecution is not limited to physical harm, and may include emotional or psychological harm. *Mashiri v. Ashcroft*, 383 F.3d 1112, 1120 (9th Cir. 2004); *Navas v. INS*, 217 F.3d 646, 658 (9th Cir. 2000). Threats of violence and death are sufficient to establish past persecution. *Sangha v. I.N.S.*, 103 F.3d 1482, 1487 (9th Cir. 1997). And “while a single incident, in some instances, may not rise to the level of persecution, the cumulative effect of several incidents may constitute persecution.” *Surita v. INS*, 95 F.3d 814, 819 (9th Cir. 1996).

Here, Ms. Perez Fuentes and her family have suffered decades of lethal violence and discrimination rising to the level of persecution. She has suffered physical, sexual, verbal, and emotional abuse from the MS-13 gang, employers, and Guatemalan police.

MS-13 began persecuting Ms. Perez Fuentes in 2003, when they tortured her father and hacked him to death. Carmen Decl. ¶ 12, Tab C. Without her father's income, Ms. Perez Fuentes was forced to begin working in the fields at age 13 to help her family survive. *Id.* ¶ 17. When Ms. Perez Fuentes was approximately 16 years old, a group of adult gang members beat her, raped her, and called her a "shitty Indian." *Id.* ¶ 20. They gagged her with a rag, viciously raped her, and struck her in the head with a large rock. *Id.* This attack left Ms. Perez Fuentes with a traumatic brain injury. Affidavit of Dr. Medical Expert, Tab D. This incident, standing alone, easily rises to the level of past persecution. And when considering all the subsequent harm Ms. Perez Fuentes suffered, it is even clearer that she suffered past persecution in the aggregate.

MS-13 mercilessly targeted Ms. Perez Fuentes in the twenty years between her rape and the day she fled Guatemala. Each time Ms. Perez Fuentes relocated within the country, MS-13 members attacked her and called her racist insults. Carmen Decl. ¶ 29, Tab C. The first time Ms. Perez Fuentes attempted relocation, gang members tracked her down and beat her so badly she was left unable to work. *Id.* ¶¶ 29-32. The men who attacked her called her an "ill-bred Indian." *Id.* ¶ 29. Ms. Perez Fuentes tried to find safety working in Guatemala City, but MS-13 members threatened her with pistols and knives and called her an "Indian." *Id.* ¶ 36. When she again resisted MS-13's attempts to rob her, the gang members shoved her to the ground and threatened her with weapons. *Id.* ¶ 46.

MS-13 also targeted Ms. Perez Fuentes's family members. They kidnapped and tortured her brother, Daniel Perez Fuentes, and murdered her uncle and grandfather. *Id.* ¶¶ 42, 26, 51. To date, MS-13 has murdered three members of Ms. Perez Fuentes's family and kidnapped a fourth. Each of these acts are relevant as "harms that have befallen a petitioner's family members"

which serve to “strengthen an applicant's past-persecution claim.” *Singh V. Garland*, 57 F. 4th 643, 654 (9th Cir. 2022).

Employers across Guatemala abused Ms. Perez Fuentes. In Jalapa, her *ladino* employer called her a “shitty Indian” and paid her less than the other workers. Carmen Decl. ¶ 32, Tab C. In Guatemala City, her employers paid her starvation wages and told her she was an ”Indian piece of shit” when she struggled to follow instructions in Spanish, and a “fucking Indian” when MS-13 robbed her. *Id.* ¶¶ 38, 45.

Ms. Perez Fuentes suffered abuse at the hands of her own government. The first time Ms. Perez Fuentes sought protection from Guatemalan police, officers laughed at the way she spoke, called her a “fucking Indian,” and refused to take a report. *Id.* ¶ 37. When Ms. Perez Fuentes tried to report another attack in Guatemala City, police officers dragged her from the police station by her hair and called her a “shitty Indian.” *Id.* ¶ 48. Considering the totality of these events, Ms. Perez Fuentes suffered past persecution in the aggregate.

2. *Ms. Perez Fuentes was Persecuted on Account of Multiple Protected Grounds*

An applicant must establish that “race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.” 8 U.S.C. § 1158(b)(1)(B)(i). Here, Ms. Perez Fuentes suffered past persecution on account of her race, her actual or imputed political opinion, and her membership in particular social groups.

i. Ms. Perez Fuentes was Persecuted on Account of Her Race

Physical and verbal abuse motivated by racial discrimination amounts to persecution. *Duarte de Guinac v. INS*, 179 F.3d 1156, 1161 (9th Cir 1999) (finding respondent eligible for asylum based on being persecuted on account of his Indigenous ethnicity). In an unpublished

decision within the Ninth Circuit, the BIA held that an Indigenous Mayan woman was targeted on account of her race where *ladino* persecutors told her she was “worthless because she was indigenous,” and found the Immigration Judge committed clear error in failing to recognize this nexus. Appeal ID 5202708, BIA July 13, 2022, Tab AA.

Here, Ms. Perez Fuentes suffered severe persecution on account of her Indigenous Mayan racial identity. Country condition reports confirm that “Guatemala is a deeply racist society in which indigenous Mayans are systematically discriminated in the public and private arenas.” Emma Expert Decl. ¶ 8, Tab E. Both the Guatemalan government and MS-13 are known for discriminating against Indigenous people and targeting them on account of their race. *Id.* ¶ 11, 13.

The statements and actions of MS-13 members leave no doubt that they raped, assaulted, threatened, and physically and psychologically abused Ms. Perez Fuentes because she is an Indigenous woman. Gang members belonging to the *ladino* racial majority called her a “shitty Indian” before raping her and smashing her head with a rock. Carmen Decl. ¶ 20, Tab C. The MS-13 members who raped Ms. Perez Fuentes made no attempt to rob her, suggesting their only motive was to harm her. *Id.*

When Ms. Perez Fuentes fled to a distant part of Guatemala, MS-13 members hunted her down, beat her, and called her an “ill-bred Indian.” *Id.* ¶¶ 27-29. When MS-13 kidnapped and tortured Ms. Perez Fuentes’s brother, Daniel, they told him that they had killed Ms. Perez Fuentes’s father and uncle, and explicitly stated they had kidnapped Daniel because he was a “fucking Indian.” Decl. Of Daniel Perez Fuentes ¶ 14, Tab C.

In a case with strikingly similar facts, the court recognized a race-based nexus where MS-13 extorted another Mayan woman, raped her, and threatened to kill her children because they

knew they could attack her with impunity. *See Juan-Pedro v. Sessions*, 740 F. App'x 467 (6th Cir. 2018). When MS-13 assaulted and robbed Ms. Perez Fuentes in Guatemala's capital, they singled her out on a crowded street because she was the only person wearing traditional Indigenous clothing. Carmen Decl. ¶ 47, Tab C. Ms. Perez Fuentes's race – and consequently, her vulnerability within Guatemalan society, was thus a central motive for the attack, as it would not have otherwise occurred. *Parussimova v. Mukasey*, 555 F.3d 734, 741 (9th Cir. 2009). MS-13 had good reason to single out Ms. Perez Fuentes because of her race; when Ms. Perez Fuentes went to a police station to report the attack, the officers called her a “shitty Indian” and dragged her by her hair onto the street. Carmen Decl. ¶ 48, Tab C.

Further, Ms. Perez Fuentes has been systemically discriminated against and marginalized within Guatemala society because she is an Indigenous Mayan woman. As a non-Spanish speaking Mayan, Ms. Perez Fuentes was mistreated in her jobs and called “stupid Indian,” and “Indian piece of shit who does not understand.” *Id.* ¶¶ 32,45. Her *ladino* employers paid her less than others and overworked her. *Id.* Ms. Perez Fuentes never had access to education or healthcare *Id.* ¶¶ 4-5. Because of the complete lack of medical facilities in her rural area, Ms. Perez Fuentes never received treatment after being attacked by MS-13 *Id.* ¶ 5, 21.

Ms. Perez Fuentes's own government has treated her with disdain and hostility because she is an Indigenous Mayan woman. Proof that the government has discriminated against a group to which the petitioner belongs “is always relevant to an asylum claim.” *Kotasz v. INS*, 31 F.3d 847, 853 (9th Cir. 1994). As in *Hernandez-Chacon*, Guatemala's justice system “favors aggressors and assassins” and “do[es] not have the resources or desire to address the brutal treatment” of indigenous people by discriminating against them when they try to access justice. 948 F.3d at 103; Emma Expert Decl. ¶ 16, Tab E. Ms. Perez Fuentes has twice sought protection

from Guatemalan police, but the police mocked her for speaking K'iche' and called her a “shitty Indian” and “fucking Indian.” Carmen Decl. ¶¶ 48, 37. MS-13 targets K'iche'-speaking Mayans like Ms. Perez Fuentes “because they know they would not go to the police,” because they would just ignore them. *Juan-Pedro v. Sessions*, 740 F. App'x 467, 469 (6th Cir. 2018). Thus, Ms. Perez Fuentes has suffered a lifetime of persecution on account of her race.

ii. Ms. Perez Fuentes was Persecuted on Account of Her Actual or Imputed Anti-Gang Political Opinion

Ms. Perez Fuentes was also persecuted due to her actual or imputed political opinion in opposition to the MS-13 gang, and makes the required showing that MS-13 has and will continue to persecute her because of the political opinion she holds, or MS-13 believes that she holds.

Navas, 217 F.3d at 656 (internal citation omitted). “When deciding whether an applicant has a well-founded fear of persecution on account of political opinion, one must look at the applicant from the perspective of the persecutor.” *Ahmed v. Keisler*, 504 F.3d 1183, 1193 (9th Cir. 2007).

In analyzing another case of anti-gang political opinion, the Second Circuit emphasized the importance of considering all evidence when evaluating a well-founded fear of persecution. *Hernandez-Chacon v. Barr*, 948 F.3d 94, 103 (2d Cir. 2020). The respondent in that case was granted review of her claim because “she refused to submit to the violent advances of gang members” and by doing so she was “taking a stance.” *Id.* at 102.

Here, the MS-13 gang believes that Ms. Perez Fuentes holds a political opinion opposing their cause and has consequently retaliated against her and her family. MS-13 operates as a pseudo-government and has usurped the functions of the Guatemalan state. *Stanford Migration and Asylum Lab*, p. 347-48, Tab G. Because MS-13 relies on their ability to identify and eliminate opposition, they perceive the slightest acts of resistance as “anti-gang” political activity and grounds for retaliation. *Id.* at 348-349. This is why MS-13 murdered Ms. Perez Fuentes’s

father when he refused their efforts to recruit him. Carmen Decl. ¶¶ 8, 12, Tab C. Likewise, MS-13 murdered Ms. Perez Fuentes's elderly grandfather in their family home immediately after he offered verbal resistance. *Id.* ¶ 51. Ms. Perez Fuentes has demonstrated her actual opposition to MS-13 by consistently refusing the gang's recruitment efforts and making multiple attempts to report their attacks. *Id.* ¶¶ 37, 48. And when Ms. Perez Fuentes fled from MS-13's control in defiance of their demands that she remain in Aldea Tiza, the gang further identified her as a "resister" and threatened to find her and kill her. Maria Decl. ¶ 19, Tab C; *Stanford Migration and Asylum Lab*, p. 349, Tab G.

Ms. Perez Fuentes can therefore establish she has been persecuted on account of her anti-gang political opinion.

iii. Ms. Perez Fuentes was Persecuted on Account of Her Membership in Particular Social Groups

Members of a particular social group must "share a common, immutable characteristic" that may be "an innate one." *Matter of Acosta*, 1919 I&N, Dec. 211, 233-34 (BIA 1985). To be a protected ground, a particular social group must be based on a characteristic that members cannot change or should not be required to change. *Matter of Acosta*, 19 I&N Dec. at 211, 233. Further, the particular social group must be socially distinct, depending on "evidence showing society in general perceives, considers, or recognizes persons sharing the particular characteristic to be a group." *Matter of W-G-R-*, 26 I&N Dec. 208, 217 (BIA 2014). Lastly, a group must have "particular and well-defined boundaries" and constitute a discrete class of persons." *Matter of S-E-G-*, 24 I&N Dec. 579, 582, 584 (BIA 2008). Gender, nationality, and ethnicity are immutable characteristics that may define a group for asylum purposes. *See Matter of Kasinga*, 21 I&N Dec. 357, 366 (BIA 1996); *Matter of Acosta*, 19 I&N Dec. At 233.

Here, Ms. Perez Fuentes suffered past persecution on account of her membership in the particular social groups of “Guatemalan Women;” “Indigenous Guatemalan Women;” “Non-Spanish speaking Guatemalans;” and “Members of the Perez Fuentes family.”

Ms. Perez Fuentes was targeted because she is a Guatemalan woman, a group defined by the innate and immutable characteristics of nationality and gender. The proposed group is sufficiently particular because the terms that define the group—“Guatemalan” and “woman”—have commonly accepted definitions that are not amorphous, overbroad, or subjective. *Matter of M-E-V-G-*, 26 I&N Dec. 227, 239 (BIA 2014). The Ninth Circuit has held that “women in a particular country, regardless of ethnicity or clan membership, could form a particular social group.” *Lesly Yajayra Perdomo v. Holder*, 611 F.3d 662, 667 (9th Cir. 2010). The Ninth Circuit has also rejected the notion that “a persecuted group may simply represent too large a portion of a population to allow its members to qualify for asylum.” *Id.* at 662. The Ninth Circuit additionally held in *Silvestre-Mendoza v. Sessions*, that “Guatemalan females,” is a socially distinct group due to the amount of feminicides that happened in the country and the government’s efforts to combat it through specialized courts for femicide victims to seek justice. 729 F. App’x 597, 598 (9th Cir. 2018) (Further holding that legislation passed to protect a specific group, in that case Guatemalan women, “can be evidence that the society in question views members of that group as distinct).

There is a clear nexus between the harm Ms. Perez Fuentes suffered and her gender. “Violence against girls and women is widespread in Guatemala—the same nation that [is] dominated by gang violence.” Tina Zedginidze, *Domestic Abuse and Gang Violence Against Women*, 34 LAW & INEQ. 221, 222 (2016), Tab BB. MS-13 targeted Ms. Perez Fuentes because she is a woman when they viciously raped her. Carmen Decl. ¶ 20, Tab C. When her

partner disappeared, she was “one of the few women in Aldea Tiza without any man in the house to protect her,” making her easy prey. *Id.* ¶ 28. These incidents demonstrate a pattern of persecution on the basis of her status as a woman within Guatemalan society.

“Indigenous Guatemalan Women” is an equally cognizable particular social group defined by the innate and immutable characteristics of ethnicity, nationality, and gender. *Matter of Kasinga*, at 366. An Indigenous ethnicity has been held to “fall somewhere between and within the protected grounds of race and nationality.” *Baballah v. Ashcroft*, 367 F. 3d 1067, 1077 (9th Cir. 1999). This group is sufficiently particular as the terms used to describe the group such as “Indigenous,” “Guatemalan,” and “women” have commonly accepted definitions and are not amorphous, overbroad, diffuse, or subjective. *Matter of M-E-V-G-*, 26 I&N Dec. at 239. Lastly, the group is socially distinct. Indigenous people in Guatemala “do not blend in with the *ladino* population.” Decl. of Linda Green ¶ 14, Tab G. Aside from their linguistic and cultural differences, Indigenous people, and Indigenous women in particular, are identifiable by their “traditional dress—for example a traditional long hand-woven skirt and blouse for women.” *Id.* In Ms. Perez Fuentes’s case, she was recognized and targeted due to her traditional clothing. Carmen Decl. ¶ 47, Tab C. Each of the incidents previously described relating to the persecution of Ms. Perez Fuentes on account of her race apply with equal force here. Therefore, the Court should find that Ms. Perez Fuentes was persecuted on account of her identity as an Indigenous Guatemalan woman.

Ms. Perez Fuentes has additionally been persecuted on account of being a non-Spanish speaking Guatemalan. Members of this group all share the common, immutable characteristic of not speaking Spanish, one that “they should not be required to change because it is fundamental to their individual identities or consciences.” *Matter of Acosta*, 19 I&N Dec. at 233. Spanish is

recognized as Guatemala’s “only official language,” which means that Indigenous women in Guatemala that speak different languages, such as K’iche’, suffer from a lack of equal rights. Emma Expert Decl. ¶ 20, Tab E. The group is sufficiently particular as a lack of Spanish skills indicates a lack of access to education, which is prevalent in Indigenous communities. *Id.* ¶ 13. The group is socially distinct because it is a socially visible and consequential trait to not be able to speak Spanish in Guatemala. As Ms. Perez Fuentes experienced, both the police and her employers treated her as inferior for her lack of Spanish speaking skills, calling her names such as “Indian piece of shit who does not understand” because she did not understand Spanish. Carmen Decl. ¶ 45, Tab C. Such pervasive language-based discrimination, in many instances coupled with acts of physical violence, rises to the level of persecution.

Ms. Perez Fuentes has also been persecuted on account of membership in the Perez Fuentes family. The family remains the quintessential particular social group. *Rios v. Lynch*, 807 F.3d 1123, 1128 (9th Cir. 2015). A respondent is unable and should not be required to change family ties because it is an immutable characteristic. *Matter of Acosta*, 19 I&N Dec. at 233. Further, a “family” is “particular” because it is a “easily recognizable and understood by others to constitute a social group.” *Matter of C-A-*, 23 I&N Dec. 959 (BIA 2006).

The BIA in *Matter of M-R-M-S-* established two ways to demonstrate persecution against a family-based protected social group. One possibility is for an applicant to establish that the family-based harm is “connected to another protected ground—such as political opinion.” *Matter of M-R-M-S-*, 23 I&N Dec. 757 (BIA 2023). Another possibility is “where a persecutor’s animus is directed against one family member” and “is intertwined with mistreatment of another family member.” *Id.* at 760.

Ms. Perez Fuentes can establish a family-based nexus under either prong of the *M-R-M-S* test. As established above, MS-13 targeted the Perez Fuentes family because they are Indigenous and because the family uniformly resisted the gang's recruitment efforts. Thus, the family's persecution was connected to their race, political opinion in opposition to MS-13, and related particular social groups and satisfies the *M-R-M-S* test.

Second, MS-13 had a clear animus against "at least one of her family members" that was "intertwined with mistreatment of another family member." *Id.* The Perez Fuentes family's nightmare began over twenty years ago when MS-13 tortured and murdered Ms. Perez Fuentes's father after he resisted them. Carmen Decl. ¶¶ 7-12, Tab C. After this murder, the gang members honed in on the Perez Fuentes family for extortion, assault, and abuse. In the decades since, MS-13 murdered Ms. Perez Fuentes's uncle and grandfather, raped Ms. Perez Fuentes, and kidnapped and tortured Ms. Perez Fuentes's brother. *Id.* ¶¶ 20, 52, 42. In each of these incidents, the assailants were aware of the family relationship, given the men who kidnapped Ms. Perez Fuentes's brother told him that they had killed his father and Uncle. Decl. of Daniel Perez Fuentes ¶ 14, Tab C. Further, one of the men who raped Ms. Perez Fuentes in approximately 2006 appeared at her family home to threaten her as recently as 2023, further solidifying the continuity of the assailants and the animus they held against the Perez Fuentes family. Catrina Decl. ¶ 54, Tab C. Thus, Ms. Perez Fuentes's persecution was indicative of animus against the family, and inextricably linked to the mistreatment of her father and other family members.

3. *The Guatemalan Government was Unable and Unwilling to Protect Ms. Perez Fuentes*

To qualify for relief under the Act, an applicant's persecution must be perpetrated by their government or by private persons that their government is unwilling or unable to control. 8 U.S.C. § 1101(42)(A). Further, "a government's inability or unwillingness to control violence by

private parties” can be established for example “by demonstrating that a country’s laws or customs effectively deprive the petitioner of any meaningful recourse to governmental protection.” *Rahimzadeh v. Holder*, 613 F.3d 916, 921 (9th Cir. 2010).

In Guatemala, “indigenous people routinely face discrimination or are treated with indifference when trying to access justice.” Emma Expert Decl. ¶ 16, Tab E. Furthermore, “access to policing and courts is insufficient in the rural areas of Guatemala, where most indigenous settlements, including the Ms. Perez Fuentes’s, are located.” *Id.* Ms. Perez Fuentes grew up in a village with no police presence. Carmen Decl. ¶ 26, Tab C. Ms. Perez Fuentes’s experience with police in Guatemala City further shows that the Guatemalan government is unwilling to protect her. When Ms. Perez Fuentes went to the police to report MS-13, and the police either laughed at her or mocked the way she spoke and failed to take a report. *Id.* ¶ 37, 48. As such, both country conditions and Ms. Perez Fuentes’s own personal experience demonstrate that the Guatemalan government is unable or unwilling to protect Ms. Perez Fuentes.

4. Ms. Perez Fuentes has a Well-Founded Fear of Future Persecution

An applicant is presumed to have a well-founded fear of future persecution based upon her experiences of past persecution. C.F.R. § 1208.13(b)(1). To rebut this presumption, the government must establish by a preponderance of the evidence that conditions in Guatemala since Ms. Perez Fuentes was persecuted have changed, or that internal relocation is reasonable. C.F.R. § 1208.13(b)(1)(i)(A).

Conditions in Guatemala have not improved since Ms. Perez Fuentes fled. In fact, “there is ongoing mistreatment of indigenous communities at the hands of criminal gangs.” Emma Expert Decl. ¶ 18, Tab E. Further, “historical racism continues to directly impact conditions today, placing indigenous Guatemalans in precarious situations where they are more vulnerable

to violence, and less likely to receive institutional protections.” *Stanford Migration Lab*, p. 381, Tab G.

Secondly, Ms. Perez Fuentes cannot relocate within Guatemala. She has attempted internal relocation three times without success. Carmen Decl. ¶¶ 27, 33, 44, Tab C. MS-13 operates in “all areas of the country,” and has previously hunted down Ms. Perez Fuentes, her father, and her brother when they tried to live and work elsewhere. Emma Expert Decl ¶ 21, Tab E; Carmen Decl. ¶¶ 11, 27, 42, Tab C. MS-13 operates as a “pseudo-government” and exerts unchallenged power. *Stanford Migration Lab*, p. 347, Tab G.

Even in the absence of past persecution, Ms. Perez Fuentes would still be eligible for asylum based on her well-founded fear of future persecution. *See* 8 C.F.R. § 1208.13(b). A well-founded fear must be subjectively genuine and objectively reasonable. *See Montecino v. INS*, 915 F.2d 518, 520-21 (9th Cir. 1990) (noting the importance of the applicant’s subjective state of mind).

i. Ms. Perez Fuentes’s Fear is Subjectively Genuine

Ms. Perez Fuentes can establish that her fear of future persecution is subjectively genuine by “credibly testifying that she genuinely fears persecution.” *Mgoian v. INS*, 184 F.3d 1029, 1035 (9th Cir. 1999). Here, Ms. Perez Fuentes’s declaration demonstrates an unambiguous fear of future persecution by MS-13. Carmen Decl. ¶ 65, Tab C. Ms. Perez Fuentes has been diagnosed with Post-Traumatic Stress Disorder (PTSD), and her condition is consistent with the trauma she described in her declaration. Affidavit of Dr. Medical Expert, Tab D. Ms. Perez Fuentes’s testimony satisfies the subjective component because it is consistent and detailed and provides a plausible and coherent account of the basis for her fear, which is consistent with country conditions evidence that her ethnicity and previous threats from MS-13 elevate her risk

of mistreatment. Emma Expert Decl. ¶ 22, Tab E; *See Matter of Mogharrabi*, 19 I & N Dec 439, 445 (BIA 1987).

ii. Ms. Perez Fuentes's Fear is Objectively Reasonable

Ms. Perez Fuentes's fear of return is also objectively reasonable because 1) there is a reasonable likelihood that Ms. Perez Fuentes will be persecuted by MS-13; and 2) because country conditions in Guatemala show Indigenous communities continue to be the target of harm. See 8 C.F.R. § 1208.13(b)(2); Emma Expert Decl. ¶ 18, Tab E. To show there is a reasonable possibility of persecution, applicant must show that there is more than a 10% chance that Ms. Perez Fuentes will be persecuted if returned to Guatemala. *INS v. Cardoza-Fonseca*, 480 U.S. 421, 440 (1987).

Given that MS-13 has tormented Ms. Perez Fuentes for twenty years, there is no reason to believe they would cease to target her upon her return. Carmen Decl. ¶ 51, Tab C. Ms. Perez Fuentes attempted to escape from MS-13 more than once and was hunted down wherever she went. *Id.* ¶ 66. The gang continues to inquire as to her whereabouts and has threatened to kill her if she returns. Decl. of Lucia Perez Fuentes ¶ 19, Tab C. Country conditions expert testimony recognizes that Ms. Perez Fuentes faces a “significant risk of harm,” that cannot be avoided through internal relocation. Emma Expert Decl. ¶¶ 22-21, Tab E. There is thus a reasonable possibility, and more than a 10% chance that Ms. Perez Fuentes will face persecution if she is returned to Guatemala.

5. Ms. Perez Fuentes is Eligible for Humanitarian Asylum

This Court may grant Ms. Perez Fuentes humanitarian asylum in the absence of a well-founded fear because she can demonstrate compelling reasons for being unwilling or unable to

return to Guatemala arising out of the severity of her past persecution, or a reasonable possibility that she may suffer other serious harm upon removal to Guatemala. 8 C.F.R. § 1208.13(b)(1)(iii).

Ms. Perez Fuentes is unwilling to return to Guatemala because she has suffered severe past persecution in Guatemala, as previously described herein. Country conditions evidence leaves no doubt that Ms. Perez Fuentes faces a reasonable possibility of serious harm if she returns to Guatemala. Emma Expert Decl. ¶ 22, Tab E.

6. *Ms. Perez Fuentes is not Barred from Asylum*

Ms. Perez Fuentes is not barred from asylum. Ms. Perez Fuentes has (1) never persecuted others; (2) has never been convicted of a crime in the United States; (3) has never committed a serious nonpolitical crime outside the United States; (4) is not a danger to the security of the United States; (5) has never participated in terrorist activities; (6) has never firmly resettled in a third country prior to arriving in the United States; and (7) timely filed her application. 8 C.F.R. § 1208.4(a)(2), (b)(2).

IV. WITHHOLDING OF REMOVAL

B. Ms. Perez Fuentes and Eric are Entitled to Withholding of Removal

Ms. Perez Fuentes and Eric are each entitled to withholding of removal to Guatemala because (1) their “life or freedom” would be threatened (2) on account of race, religion, nationality, membership in a particular social group, or political opinion. *Pedro-Mateo v. INS*, 244 F.3d 1147, 1149-50 (9th Cir. 2000); *see also* INA § 241(b)(3), 8 U.S.C. § 1231(b)(3)(A). Unlike the “one central reason” test for asylum, an applicant for withholding needs only demonstrate that a protected ground is “a reason” motivating the likelihood of future persecution. *See Barajas-Romero v. Lynch*, 846 F.3d 351, 358 (9th Cir. 2017). In an unpublished within the Ninth Circuit, the BIA held that “race was a reason for persecution” where an Indigenous Mayan

woman was called ‘damn Indian,’ ‘dirty Indian,’ and ‘lazy Indian.’” Appeal ID 5257239, BIA March 2, 2023, Tab CC.

As previously demonstrated in Section III, Ms. Perez Fuentes has suffered past persecution on account of her Indigenous Mayan race, her political opinion, and her membership in the particular social groups of “Guatemalan women,” “Indigenous Guatemalan women,” “non-Spanish speaking Guatemalans,” and “Member of the Perez Fuentes family.” MS-13 has raped, beaten, and threatened Ms. Perez Fuentes and murdered three of her family members. Her employers have discriminated against her and verbally abused her, and Guatemalan police officers assaulted her and called her racist insults. If she is forced to return to Guatemala, it is more likely than not that she will be subject to severe harm and even death at the hands of these parties on the same bases.

7. *Ms. Perez Fuentes and Eric Are Presumptively Subject to Future Persecution on the Basis of Their Past Persecution in Guatemala*

Because Ms. Perez Fuentes and Eric have suffered past persecution in Guatemala on account of protected grounds, it shall be presumed that their lives or freedom would be threatened in Guatemala on the same bases. 8 C.F.R. § 1208.16(b)(1)(i). This presumption may only be rebutted by a preponderance of the evidence showing (1) a fundamental change in the applicant’s personal circumstances such that her life or freedom would not be threatened on account of any of the protected grounds, or (2) the applicant could avoid threats to her life or freedom through internal relocation, and such relocation would be reasonable. 8 C.F.R. § 1208.16(b)(1)(i)(A)-(B). Here, Ms. Perez Fuentes and Eric’s personal circumstances have not changed. MS-13 continues to hunt for Ms. Perez Fuentes and Eric and has threatened to kill or kidnap them if they return. Decl. of Lucia Perez Fuentes ¶ 19, Tab C. As confirmed by a country conditions expert, neither Ms. Perez Fuentes nor Eric can escape future persecution by relocating

within Guatemala. Emma Expert Decl. ¶ 21, Tab E. MS-13 can find them and harm them anywhere in the country, as they did when they hunted down and murdered Ms. Perez Fuentes's father, again when they tracked and kidnapped her brother, Daniel, and as they did to Ms. Perez Fuentes herself when she moved to Jalapa and Guatemala City. Carmen Decl. ¶¶ 13, 29, 42. Therefore, neither Ms. Perez Fuentes nor Eric would be safe anywhere within Guatemala, and future persecution should be presumed.

8. Even If Ms. Perez Fuentes Had Not Suffered Past Persecution, Her and Eric are Entitled to Protection from Future Threats to Their Life or Freedom

An applicant who has not suffered past persecution is nevertheless entitled to withholding of removal if her life or freedom would more likely than not be threatened in the future. 8 CFR §1208.16(b)(2). Here, Ms. Perez Fuentes's father, uncle, and grandfather were murdered by MS-13, and Ms. Perez Fuentes's brother was kidnapped and tortured. Carmen Decl. ¶¶ 52, 42. All family members were part of the particular social group of the Perez Fuentes family and Indigenous Mayan Guatemalans. Since Ms. Perez Fuentes and Eric belong to these groups, it is more likely than not that their lives or freedom would be threatened in the future.

Further, country conditions establish that Guatemala is a “deeply racist society in which Indigenous Mayans [like Ms. Perez Fuentes and Eric] are systematically discriminated in the public and private arenas,” a pattern of abuse and discrimination borne out by Ms. Perez Fuentes’s own history of mistreatment by employers and police officers. Emma Expert Decl. ¶ 8, Tab E. None of the statutory bars to withholding of removal apply to either Ms. Perez Fuentes or Eric. See 8 U.S.C. § 1231(b)(3)(B). Thus, Ms. Perez Fuentes and Eric are entitled to protection even if they could not establish past persecution.

C. Ms. Perez Fuentes and Eric are Entitled to Relief Under the Convention Against Torture

Ms. Perez Fuentes and Eric are also each entitled to protection under the Convention Against Torture. *See* 8 C.F.R. § 1208.16(c)(4). The applicant need only show a chance greater than fifty percent that she will be tortured, and may do so through her uncorroborated credible testimony. 8 C.F.R. § 1208.16(c)(2); *Hamoui v. Ashcroft*, 389 F.3d 821, 827 (9th Cir. 2004). Torture need not occur on account of a protected ground and is defined in part as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person... for any reason based on discrimination of any kind, when such pain is inflicted... with the acquiescence of a public official.” 8 C.F.R. § 1208.18(a)(1).

Ms. Perez Fuentes’s experience in Guatemala constitutes “torture” due to the physical, verbal, sexual, and psychological abuse she suffered. Both sexual assault and the threat of imminent death may constitute torture. *Xochihua-Jaimes v. Barr*, 962 F.3d 1175, 1183 (9th Cir. 2020). MS-13 has already raped Ms. Perez Fuentes once, raising a great possibility they may do so again. Further, MS-13 explicitly threatened to kill Ms. Perez Fuentes if she attempted to escape from them, and it is highly likely they will act on this threat given they murdered her father for trying to escape, and later killed her uncle and grandfather too. Carmen Decl. ¶ 65, Tab C. The threat of imminent death to Ms. Perez Fuentes also constitutes torture of Eric. *Xochihua-Jaimes v. Barr*, 962 F.3d at 1183 (9th Cir. 2020). Thus, it is highly likely both Ms. Perez Fuentes and Eric will suffer torture if returned to Guatemala.

Ms. Perez Fuentes and Eric can establish the acquiescence of public officials because country conditions establish that the Guatemalan police hold a pattern of being racist and abusive to Indigenous people. Emma Expert Decl. ¶ 16, Tab E. When Ms. Perez Fuentes made police aware of MS-13's attacks, the police refused to take action, and instead called her a “shitty Indian,” mocked her for the way she spoke, and her dragged out of a police station by her hair.

Carmen Decl. ¶¶ 37, 48. In fact, these actions by the Guatemalan police arguably constitute torture given that calling Ms. Perez Fuentes racist names while dragging her violently from the police station is certainly “an extreme form of cruel and inhuman treatment that is specifically intended to inflict severe physical or mental pain or suffering.” *Lopez v. Sessions*, 901 F.3d 1071, 1078 (9th Cir. 2018). Thus, Ms. Perez Fuentes and Eric are entitled to protection under the Convention Against Torture.

IV. CONCLUSION

For the foregoing reasons, Ms. Perez Fuentes and Eric are eligible for asylum and respectfully request this Court grant their applications for relief. They are also entitled to withholding of removal under the Act and the Convention Against Torture and request this Court grant their applications in their entirety.

Dated:

Respectfully submitted,

Larry Lawyer (CA Bar # 999999)
Law Firm
101 Office Street
Los Angeles, CA 90011
Telephone: 888-888-8888
Email: lawyer@lawfirm.com
Pro bono counsel for Respondents

TABLE OF PROPOSED ATTACHMENTS

TAB		PAGES
AA	Appeal ID 5202708 (BIA July 13, 2022)	1 - 5
BB	Tina Zedginidze, <i>Domestic Abuse and Gang Violence against Women: Expanding the Particular Social Group Finding in Matter of A-R-C-G- to Grant Asylum to Women Persecuted by Gangs</i> , 34 LAW & INEQ. 221 (2016)	6 - 42
CC	Appeal ID 5257239 (BIA March 2, 2023)	43 - 46

AA

[Attachment Omitted]

BB

[Attachment Omitted]

CC

[Attachment Omitted]

CERTIFICATE OF SERVICE

In Re:
Carmen PEREZ FUENTES
Eric PEREZ FUENTES

File Nos.:
A 123-456-789
A 123-456-780

I, Larry Lawyer, hereby certify that on 01/01/2025, I filed the foregoing RESPONDENT'S PRE-HEARING BRIEF, and any attached documents via ECAS, which will complete service on opposing counsel in the Department of Homeland Security. *See* IMMIGRATION COURT PRACTICE MANUAL, Chapter 3.2(a)(1).

/s/ Larry Lawyer

Larry Lawyer

01/01/2025

Date

Model Supplemental Documents in Support of Asylum Case

*For concision, most of the documents and country conditions materials included as part of this model supplemental filing have been omitted.

Please note that when filing a country conditions report or article with the immigration court, EOIR requires the submission of, at a minimum, the title page(s) containing any identifying information for the publication, the page(s) of the publication on which relevant information can be found, and an identification of where the full publication can be located and authenticated. It is best practice to highlight all pertinent sections of the country conditions document. For additional guidance, please review [the Immigration Court Practice Manual at Chapter 3.3 – Documents](#) and consult with your Human Rights First mentoring attorney.

Larry Lawyer (CA Bar # 999999)
Law Firm
101 Office Street
Los Angeles, CA 90011
Telephone: 888-888-8888
Email: larrylawyer@lawfirm.com
***Pro bono* counsel for Respondent**

NOT DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA**

In the Matter of:)
Carmen PEREZ FUENTES) File No: A 123-456-789
Eric PEREZ FUENTES) A 123-456-780
In Removal Proceedings)

)

Immigration Judge: Hon. John Judge Individual Hearing: Dec. 25, 2025

**RESPONDENTS' SUPPLEMENTAL DOCUMENTS IN SUPPORT OF
APPLICATIONS FOR ASYLUM, WITHHOLDING OF REMOVAL, AND
PROTECTION UNDER THE CONVENTION AGAINST TORTURE**

TABLE OF PROPOSED EXHIBITS

TAB		Page(s)
A	Personal Identification Documents with Translations	
	Copy of Guatemalan Birth Certificate of Carmen Perez Fuentes	1-5
	Copy of Guatemalan ID Card of Carmen Perez Fuentes	6-10
	Copy of Guatemalan Birth Certificate of Eric Perez Fuentes	11-15
B	Stamped Biometrics Notices	
	Stamped Biometrics Notice for Carmen Perez Fuentes	17
	Stamped Biometrics Notice for Eric Perez Fuentes	18
C	Declarations with Translations	
	Declaration of Carmen Perez Fuentes in Support of Her Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture	20-47
	Declaration of Daniel Perez Fuentes in Support of Respondents' Applications for Asylum, Withholding of Removal, and Protection under the Convention Against Torture	48-58
	Declaration of Lucia Perez Fuentes in Support of Respondents' Applications for Asylum, Withholding of Removal, and Protection under the Convention Against Torture	59-72
D	Forensic Medical Evaluation	
	Affidavit of Dr. Deborah Doctor, M.D., Medical Expert	74-80
	Curriculum Vitae of Deborah Doctor, M.D.	81-83
E	Country Conditions Expert Report	
	Declaration of Emma Expert, PhD, Country Conditions Expert	85-89
	Curriculum Vitae of Emma Expert, PhD	90-98
F	Supporting Documents	
	Form I-94 of Daniel Perez Fuentes (Brother)	100
	Guatemalan Death Certificate of Uncle	103-108
	Guatemalan Death Certificate of Grandfather	109-113
G	Country Conditions Evidence	

	Declaration of Linda B. Green, PhD, Expert on Violence Against Indigenous Women in Guatemala with Curriculum Vitae	131-162
	U.S. State Department, <i>Guatemala 2023 Human Rights Report</i> , https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/guatemala/	163-221
	Freedom House, <i>Freedom in the World 2023 (Guatemala)</i> , https://freedomhouse.org/country/guatemala/freedom-world/2023	222-234
	Kids in Need of Defense, <i>Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala</i> , https://supportkind.org/resources/neither-security-nor-justice-report-sgbv/	235-254
	Oxfam, <i>Indigenous Women Against Impunity</i> , https://oxfamlibrary.openrepository.com/bitstream/handle/10546/120563/pi-indigenous-women-impunity-guatemala-011108-en.pdf;sequence=1	255-267
	United Nations High Commissioner for Refugee, <i>Women on the Run</i> , https://www.unhcr.org/us/media/women-run	268-327
	Reuters, <i>Indigenous and Female: Life at the Bottom in Guatemala</i> , https://www.reuters.com/article/world/indigenous-and-female-life-at-the-bottom-in-guatemala-idUSKBN17Z07M/	328-332
	Stanford Migration and Asylum Lab, <i>Country Bulletins: 2023 Guatemala Bulletin</i> , https://migration.sites.stanford.edu/sites/g/files/sbiybj30036/files/media/file/2023-guatemala-bulletin.pdf	333-394
	United Nations Sustainable Development Group, <i>Count Me In: Working Together for Disability Inclusion in Guatemala</i> , https://unsdg.un.org/latest/blog/count-me-working-together-disability-inclusion-guatemala	395-402

NOTE: It is best practice to include bullet-pointed excerpts, with relevant page numbers, from each country report within the Table of Proposed Exhibits (below the title of the document) and/or to highlight relevant excerpts within the text of each report. This helps the immigration judge identify the most salient portions of each document.

Dated: 01/01/2025

Respectfully submitted,

/s/ Larry Lawyer

Larry Lawyer (CA Bar # 999999)
Law Firm
101 Office Street
Los Angeles, CA 90011
Telephone: 888-888-888
Email: lawyer@lawfirm.com
Pro bono counsel for Respondents

A

[Documents Omitted]

B

[Documents Omitted]

C

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA

In the Matter of)
Carmen PEREZ FUENTES) File No: A 123-456-789
Eric PEREZ FUENTES) A 123-456-780
In Removal Proceedings)

)

**DECLARATION OF CARMEN PEREZ FUENTES IN SUPPORT OF APPLICATION
FOR ASYLUM, WITHHOLDING OF REMOVAL, AND PROTECTION UNDER THE
CONVENTION AGAINST TORTURE**

I, Carmen Perez Fuentes, swear and affirm that the following declaration in support of my application for asylum is true and correct.

1. My true and complete name is Carmen Perez Fuentes. I was born on September 24, 1990 in Aldea Tiza, Peten, Guatemala.
2. This declaration was prepared with the assistance of my attorney at Human Rights First in English, then translated into Spanish and orally interpreted to me in K'iche', my native language. I have reviewed this declaration in my native language, and I understand and agree to its contents.

Family Background and Childhood

3. I was born on September 24, 1990, in Aldea Tiza, Peten, Guatemala. My mother's name is Luz Perez Fuentes and my father's name was Juan Perez Fuentes. I am one of two siblings.
4. My family is Mayan and speaks K'iche'. Some of my relatives understand Spanish, but I do not. I attended school in Aldea Tiza for approximately five years.

5. My parents worked as fieldworkers. We did not own land, so my parents worked on other people's land. Our neighbors were other indigenous families, and we did not have any problems with the other families in our area when I was a young child.

MS-13 Began to Target My Family and Tortured and Murdered My Father

6. In approximately late 2002, when I was about twelve years old, members of the MS-13 gang came to my family's house in Aldea Tiza. I could tell they were members of the MS-13 gang because they had tattoos on their faces and arms. They told my father that he had to pay them a bribe or else they would kill him or kidnap me and my brother. My father refused to pay, and after the MS-13 members left, he told me and my siblings that we had to stay inside the house from then on to avoid being kidnapped by MS-13.
7. Members of MS-13 returned to our house every week or so to demand bribes from my father. In addition to threatening to kill us or kidnap us, they insulted us and called us "*mierdas indias*" ("shitty Indian") and beat my father when he refused to pay. When my father kept refusing to pay a bribe, they invited him to join the gang instead of paying them off and told him that people would leave our family alone if he did join. My father always refused to join the gang.
8. The MS-13 members were all *ladino* (the term used to refer to people of European descent) and came from outside Aldea Tiza. None were Mayan like me and my family. Some of the gang had learned to speak some K'iche', so I could understand some of what they said to my father when they came to the house. I was home every time they came to extort us since my parents did not allow us to leave the house out of fear that the gang members would kidnap me and my brother.
9. My family was scared that MS-13 would kill us or kidnap us, but there was nobody who could help us. There are no police in Aldea Tiza, and all the other families were too scared of the gang members to stand up to them. The other Mayan families in Aldea Tiza paid bribes in hopes that MS-13 would leave them alone, but my family did not own our own land and struggled to pay the bribes that gang demanded.
10. My parents were too scared to leave the house to work, but we had no other way to survive. In approximately December 2002, my father decided to flee to another distant part of Guatemala so he could work without threats from MS-13 and earn money to provide for us.

11. In approximately early 2003, a man I didn't know came to our house while I was home and asked to talk to my mother. He told my mother that MS-13 had killed my father, and he showed my mother a picture of my father's mutilated corpse. He said that members of MS-13 had hacked my father to death with a machete. I believe this man was a friend of my father's from the *finca* (a private farm) he had been working on.
12. My father had tried to get far away from Aldea Tiza in order to escape MS-13. After MS-13 killed him in another part of Guatemala, we could not afford to pay to have his body returned to us. We could not afford to travel to a city where we might find police or a court to report the murder to, and we didn't speak Spanish so we could not communicate with officials in order to make a report.
13. I believe MS-13 targeted and murdered my father because he was poor and indigenous, and they believed that he was more likely to join the gang since he couldn't afford to pay a bribe. I believe this because the *ladino* MS-13 members always called him racist insults like "*mierda india*" ("shitty Indian") when they threatened us in our home.

Members of MS-13 Raped Me and Bludgeoned Me with a Rock

14. After MS-13 murdered my father, my family and I went to live with my maternal grandmother in another house in Aldea Tiza. I lived there with my mother, brother, and my grandmother.
15. Even though we moved to another house, the same MS-13 members started coming to our new home to extort us and threaten us. They demanded a bribe every week, which we paid out of fear that they would kill us like they had killed my father.
16. My grandmother could not support our entire family, so as the eldest child I had to start working to help support our family. As a thirteen-year-old girl with only a few years of schooling, the only work I could find was in the fields.
17. I had to walk long distances to work on different farms, and members of MS-13 often preyed upon me and my family members as we walked to and from work. Every time they confronted me, they demanded all the money I was carrying. If I didn't have any money, they would beat me. They often carried pistols or knives and I was scared they would kill me like they had killed my father.

18. In one of these attacks, a group of approximately ten members of MS-13 cornered me while I was walking alone to the fields and began to push me. They had MS-13 tattoos on their hands and faces. They called me a “*mierda india estupida*” (“stupid indian piece of shit”) and pushed me to the ground.
19. When I was approximately sixteen years old, three members of MS-13 raped me and beat me badly while I was working in a corn field. When they came up to me, they called me “*mierda india*” (“shitty Indian”). During the attack, they forced a cloth into my mouth so that I could not scream, and they struck me in the head with a large rock. They did not attempt to rob me during this attack, they just attacked me and raped me without trying to take my money.
20. I still have a scar on my forehead from where they hit me with the rock. I also suffer from headaches and emotional problems. The men hurt my leg during the attack, and it remained painful for months afterwards. To this day, I struggle to carry more than fifteen or twenty pounds because of my injuries. I was not able to get medical care for my injuries because all the doctors and hospitals are hours away in the major cities, and nobody in Aldea Tiza had a car to help me get there.
21. I recognized the three men who raped me and beat me as MS-13 members who had threatened us at my house over the previous years, but I could not report the attack because there was no police or other authority in the area, and police officers and other officials generally only speak Spanish.

I Started a Family While MS-13 Continued to Threaten Me and Murdered My Uncle

22. Members of MS-13 did not stop threatening me and my family after they raped me. They continued to come to our house to extort us about once a week. When they came to the house, they often threatened to kill us if we did not pay. When my family members and I left our house to work, members of MS-13 would corner us on the path and demand we pay them a bribe. This went on for years, and even though my family barely had enough money to survive, we paid the bribes because we believed that the MS-13 members would act on their threats to kill us.
23. I believe MS-13 continued to focus on my family in particular because, after they killed my father, they saw me and the rest of my family as easy prey. They knew my family

and I had no adult males in our house to protect us, and without a male provider, we were poorer than the other families in Aldea Tiza and might be more likely to agree to work for the gang out of desperation.

24. When I was about eighteen years old, I began a relationship with a man named Octavio Lopez Lopez (“Mr. Lopez”). We had two children together: a son born in 2009 named Diego Perez Fuentes, and another son born in 2021 named Eric Perez Fuentes. We lived together in my grandmother’s house.
25. Members of MS-13 murdered my uncle, Jose Perez Fuentes, on approximately February 29, 2010. My uncle owned a small piece of land in a nearby hamlet called Ixcate, about five kilometers from Aldea Tiza, so the gang mistakenly believed that he must have had a lot of money. They demanded that he pay a bribe, and when he refused, they killed him. A gang member later told me that he had targeted my uncle because he was indigenous. We could not report the murder because there were no authorities in our area to report to.

I Tried To Live and Work In Other Parts of Guatemala, But MS-13 Hunted Me

26. I worried that MS-13 members would kill me because I struggled to have enough money to pay them bribes every time they demanded, and they beat me whenever I could not pay. I thought I might be able to escape from MS-13 by finding work in another part of Guatemala. In approximately 2012, I went to work on a *finca* (an agricultural estate) in Jalapa, a town on the other side of Guatemala and a full day’s drive from Aldea Tiza.
27. Shortly after I left for Jalapa, MS-13 members came to my grandmother’s house in Aldea Tiza and asked where I had gone. My grandmother lied and said she didn’t know, but they still found me in Jalapa. I don’t know how they found me, but MS-13 has members in every part of Guatemala.
28. MS-13 members confronted me while I was working in Jalapa and demanded money. I recognized these men from Aldea Tiza, as they had attacked me and threatened me before. When I told them that I didn’t have any money, they beat me and called me “*malnacida indígena*” (literally, “ill-bred Indian,” used as a highly offensive insult in Guatemala.)

29. One of them, a *ladino* man who was about 50 years old and spoke K'iche', told me he had participated in the murder of my uncle in 2010, and that they had extorted my Uncle because he was indigenous and killed him when he didn't pay.
30. I could not report this attack because I was far from the capital or any other area where police might be, and because I could not communicate with *ladino* officials who speak Spanish. The *ladino* man who I was working for on the *finca* witnessed the attack, but he didn't do anything to help nor did he call the police for me.
31. I tried to keep working in Jalapa cutting and cleaning coffee beans, but I struggled to keep up with the hard labor because I had injuries from the attack by MS-13 members. My leg became swollen and painful. The *ladino* owner of the *finca* mocked me and insulted me for being Indigenous and for not understanding Spanish. He called me an "*estupida india*," ("stupid Indian"). He didn't treat any other workers this way. He also only paid me 40 Quetzales per week, less than the other workers told me they were making. After about two months, I was completely unable to work due to my physical condition and had to return home to Aldea Tiza.
32. I did not feel safe after returning to Aldea Tiza. MS-13 extorted me or threatened me almost every time I left my house. I was so scared to leave my house that I could not work.
33. A few months later, in approximately 2012, I left again and went to Guatemala City looking for work.
34. I found a job in a restaurant, and the owner allowed me to live with him. One day during this time, I was robbed by MS-13 members in the street while I was running errands. They threatened me with pistols and knives. They called me an "indian" and robbed me of all the money I had.
35. I went to a police station to make a report, but I struggled to communicate with the officers because they only spoke Spanish. They laughed at me and called me a "*jodida india*" ("fucking Indian"). The officers did not take a report.
36. The restaurant owner was a *ladino* man. I told him that MS-13 had robbed me but he only said "*pinche indigena*" ("fucking Indian") and did nothing to help me. He forced me to work very hard and only paid me 7 Quetzales per day. I struggled to keep up with the work and to survive on this income, especially after the robbery.

37. I tried to find another job where I could earn more money and afford to bring my children and partner to live with me in Guatemala City, but nobody would hire me. All of the businesses are owned by *ladino* people who do not treat Mayan people well. I asked many people if they could offer me work, but most of them called me racist names like “*pinche india*” (“fucking Indian”) and refused to help me.
38. About a year or two after I moved to Guatemala City, I was robbed another time by a large group of MS-13 members. There were *ladino* men and women in this group. Some of them spoke K’iche’ with an accent typical of *ladino* people who have learned the dialect. They had MS-13 gang tattoos on their faces and arms. They demanded 15 Quetzales. When I refused, they shoved me and threatened me with guns and knives, and took all the money I was carrying by force.
39. There were many other people on the street at the time, but nobody helped me. The gang members did not rob or bother any of these *ladino* people, only me. I was dressed in traditional clothing used only by indigenous women, a *huipil* and *corte*, and wore a *liston* in my hair. I believe the gang members targeted me because they could see I was an indigenous woman.
40. Immediately after the robbery, I went to a police station in Guatemala City. I tried to tell the police officers at the station that I had just been robbed and wanted to make a report. The officers laughed at me for speaking K’iche’ and refused to take a report. They called me “*mierda india*” (“shitty Indian”) and mocked the way I spoke. Instead of taking my report, the police officers grabbed me by my hair and dragged me out of the station and into the street.
41. I had nowhere else to go and no way to survive on my own in Guatemala City, so I returned home to Aldea Tiza. I was scared that MS-13 would kill me in Aldea Tiza, but I knew I was not safe in the capital either.

My Partner Disappears And Final Years in Guatemala

42. After returning to Aldea Tiza, I lived with Mr. Lopez in my grandmother’s house. Mr. Lopez treated me well and helped provide for our family. However, members of MS-13 continued to come to our house demanding bribes every week and threatening to kill us

if we did not pay. We always paid when we had the money, and this way we were able to scrape by for years after my uncle's murder.

43. In about March 2018, members of MS-13 kidnapped my brother, Daniel Perez Fuentes, while he was working on a farm. Armed men held him captive in a cave for approximately two weeks, during which time they beat him with metal rods and threatened to cut his head off with a machete. They called him a "good for nothing Indian," and "an illiterate piece of shit." I believe that MS-13 targeted my brother because they know the police do not protect indigenous people and would not get involved.
44. The men who kidnapped my brother called my mother and told her they would kill my brother if she did not pay a ransom of 21,000 quetzales. They told my mother not to call the police, and told her that they had contacts in the police and would find out if we did report the kidnapping, and could kill our family. Our family believed the gang would follow through on their threats to kill my brother if we did not pay, so we borrowed the money from relatives in the United States. Once we had the money together, my mother paid the ransom and MS-13 released my brother, dumping him on the outskirts of a town with serious injuries. We did not report the kidnapping because we were scared of the gang's threats and because there were no local police to help us.
45. My brother fled to the United States a short time later and was granted asylum in 2022.
46. Even after kidnapping my brother, MS-13 continued to extort me and my family. We struggled to pay the bribes they demanded of us. When we could not pay, they told my partner, Mr. Lopez, that they would kill him if he failed to pay again. They also threatened to kidnap our infant son, Eric, who was born in 2021. Mr. Lopez feared for his life because he could not earn enough money to pay the bribes the gang demanded. In approximately late 2022, he told me that he was leaving for Mexico out of fear for his life. We did not have enough money for me and our children to leave with him, so Mr. Lopez left us behind.
47. I have not heard from Mr. Lopez since he left two years ago. While I was still in Guatemala, his mother told me that he was in Mexico, but his mother has since passed away and I have no idea what happened to him or whether he is alive. MS-13 threatened him many times, so it is possible they kidnapped or killed him.

MS-13 Murdered My Grandmother and Threatened To Kidnap and Kill Me

48. In October 2023, a group of MS-13 came to our house and demanded their weekly bribe. My grandmother, Lourdes Fuentes, could no longer stand the years of constant extortion, threats, and physical attacks. Instead of paying the bribe as we had for twenty years, my grandmother tried to stand up to the gang members, and told them “Enough already, I am a very old woman and cannot pay anymore.” The gang members became furious. One of the men shoved my elderly grandmother to the ground so hard that she died in front of me and my family.

49. Even after murdering my father, uncle, and grandmother, members of MS-13 continued to extort and threaten me and my surviving relatives. By this time, most of my siblings and other extended relatives had fled Guatemala out of fear that they would be killed just like my father, uncle, and grandmother. I started to believe that I had no choice but to leave Guatemala or die at the hands of MS-13.

50. In November 2023, a few weeks after killing my grandmother, members of MS-13 came to my house and told me that I should not try to escape from them, because they would find me and kill me wherever I went. They also threatened to kidnap my youngest son, Eric. They told me they wanted to kidnap Eric in particular because, as my youngest child, they could easily traffic him and sell him in another country.

51. I believed they were singling me out because I was an indigenous woman and because, after Mr. Lopez left, I was one of the few women in Aldea Tiza without any man in the house to protect me. The MS-13 members told me during this time that I was a “stupid Indian” and that “nobody wanted to be with and that’s why I did not have a man.” I recognized one of these gang members who came to my house in this period as one of the three men who had raped me and smashed my head with a rock approximately sixteen years earlier.

I Fled From Guatemala Out of Fear For My Life

52. After MS-13 members murdered my grandmother and threatened to kill me, I feared that MS-13 members were going to kill me or kidnap my son Eric soon no matter what I did. It felt like they would never leave me and my family alone no matter what we did. I believed I had to escape quickly in order to save my life.

53. I left Guatemala with my son Eric on approximately December 3, 2023. I transited Mexico by bus over the next twenty or so days. I left my other son, Diego in the care of my mother, because MS-13 had threatened to kidnap Eric in particular so I thought he was the most at risk.

I Could Not Remain In Mexico Safely

54. Throughout my time in Mexico, I was scared that MS-13 would find me and act on their threat to kill me for trying to escape from them. I know they have many members throughout Mexico and can find people.

55. While I was in Mexico, Mexican police officer called me racist names and made fun of me because I could not speak Spanish. I was very scared of them because of the way that police officers had attacked me and abused me in Guatemala.

56. Due to my overwhelming fear of MS-13 in Mexico and of the police in Mexico I was determined to enter the United States as soon as possible to find safety for myself and for my infant son, Eric. I crossed under a wire fence and entered the United States near Yuma, Arizona on approximately December 23, 2023. After entering the United States, I walked with a group of migrants whom I did not know for an hour or two before I was apprehended by immigration officials.

57. I had never owned a telephone before coming to the United States. I had never heard of the CBP One application until speaking with my lawyer months after entering the United States. I do not understand very much Spanish, so I cannot use most phone applications even with help from others.

Life In the United States

58. I now reside in Los Angeles, California with my son Eric and some of my relatives who fled from Guatemala before me and their families. I am safe here with my surviving family members and wish to remain here and reunify with my son Diego, who remains in Guatemala.

59. I still suffer from the attacks I endured at the hands of MS-13 members. I still have a scar on my head from when I was struck on a head with a rock. Sometimes I get overwhelmed by my thoughts about what happened to me in Guatemala.

60. I worry for my son who is in Guatemala in the care of my mother. He does not leave the house because we are scared that MS-13 will hurt him. MS-13 continues to threaten my mother and my son, and gang members have beaten my mother since I left.
61. I also worry that, if I return to Guatemala, that MS-13 will kill me because they promised me that they would kill me if I left the country, and the gang members have shown that they carry out their threats by killing my father, uncle and Grandmother.
62. I cannot live safely anywhere in Guatemala, because I have learned from my own experience that MS-13 can find me and harm me anywhere in the country as they did in Aldea Tiza, Jalapa and Guatemala City. I know the authorities cannot protect me, because I have tried on two occasions to report attacks by MS-13 to the police, and both times the police refused to help me and mocked me because I am an indigenous woman.

Conclusion

63. For the above-stated reasons, I respectfully request asylum, so that my son and I may remain safely in the United States.

[Signed]

Signature

[Dated]

Date

[Documents Omitted]

D

[Documents Omitted]

E

[Documents Omitted]

F

[Documents Omitted]

G

Chain of Custody Regarding Attached Expert Declaration

I, Blaine Bookey, am Legal Director of the Center for Gender & Refugee Studies (CGRS) based at the University of California College of the Law, San Francisco. On April 8, 2024, I received an electronic copy of the attached declaration written by Linda B. Green, an expert on violence against indigenous women in Guatemala, directly from Linda B. Green via email. CGRS provides true copies of the original document on file with our office in support of individual asylum claims. I certify that the attached is a true copy of the document I received from Linda B. Green.



April 8, 2024

Blaine Bookey, Esq.

Date

DECLARATION OF LINDA B. GREEN
EXPERT ON VIOLENCE AGAINST INDIGENOUS WOMEN IN GUATEMALA

I, Linda B. Green, declare as follows:

Introduction

1. My name is Linda B. Green. I am currently a Professor of Anthropology in the Department of Anthropology at the University of Arizona (UA). A copy of my curriculum vitae is attached.
2. For the reasons stated herein, it is my belief that indigenous women are at high risk of suffering egregious physical and sexual violence in Guatemala, just as they are exceedingly unlikely to obtain any assistance from the government of Guatemala given their status as women, especially indigenous women.
3. I have provided expert testimony in U.S. Immigration Court in over 125 cases since 2011 involving asylum-seekers from Guatemala fleeing gender-based violence and other harm (and several additional Guatemalan asylum cases dating back to 1992 when I first served as an expert in Immigration Court).

Education and Professional History

4. I have held my current position as Professor of Anthropology at UA since 2018. My earlier appointments at UA were as an Assistant Professor (1999 to 2003) and Associate Professor (2003-2017). I served as the Director of the UA Center for Latin American Studies (2011-2016). I also held a joint position of Assistant Professor in the Department of Anthropology and the Department of International and Public Affairs at Columbia University (1993-1999).
5. I received a Ph.D. in Socio-Cultural and Medical Anthropology from the University of California, Berkeley in 1993. Prior to that, I earned my M.A. in Socio-Cultural Anthropology from the University of California, Berkeley in 1987 and an M.P.H. in Public Health Epidemiology from Johns Hopkins University in 1985.
6. I am the recipient of numerous awards and research grants including from the National Science Foundation, National Endowment for the Humanities, Wenner-Gren Foundation for Anthropological Research, Institute for International Education Fulbright, Foreign Area Language Studies, University of Arizona, Columbia University, University of California Berkeley, and the Johns Hopkins University.
7. I have an extensive understanding of the social conditions in Guatemala and of the history that has contributed to those conditions. I am frequently invited to speak in both academic settings and public forums about the nature of my work related to Guatemala, which has focused primarily on the impacts of violence on the society of, and on the social conditions for, rural Mayan Indians. I have lectured at numerous

colleges and universities throughout the United States. I was an invited speaker to the Central American Bishops Conference in Guatemala City, Guatemala in 2013.

8. I have published extensively on Guatemala including my book *Fear as a Way of Life: Mayan Widows in Rural Guatemala, Antigua Guatemala, Guatemala* first published in English in 1999 and an updated version in Spanish in 2013, which focuses on the survival strategies of Mayan women after the brutal counterinsurgency war in which their communities were left in tatters. I have also contributed several book chapters and authored or co-authored numerous publicly accessible articles and reports on conditions for indigenous women in Guatemala, including themes of violence, discrimination, and gender norms in post-Peace Accord Guatemala. In addition, my writings have examined how impunity for crimes committed locally during the counterinsurgency war are intricately tied to the ongoing impunity, including for crimes against women, at the national level. I have also published works in professional journals that focus on my work with migrants who have returned to Guatemala, in which I trace the reasons why people decide to migrate, their experiences in the United States, and the difficulties and challenges they face upon their return to Guatemala, including violence.
9. Since 1986, I have traveled and worked extensively in Guatemala and Central America, having visited Guatemala for extended periods many times including for the Bishops Conference in 2013. My most recent trip was in March 2019 for preliminary research on a new project on the aftermath of deportations for Mayan women whose asylum petitions were denied in the United States. I was unable to travel to Guatemala during 2020 due to Covid-19 pandemic restrictions. I visited briefly in 2022 and I resumed the above-mentioned ethnographic research project on the social, economic, political and cultural effects of deportation on Guatemalan women in summer 2024.
10. I maintain awareness of the socio-political context of Guatemala with respect to treatment of women and indigenous persons through regional visits, research publications, daily monitoring of Spanish and English newspapers and other journals or periodicals, and regular contact with professional colleagues. Moreover, I teach a graduate seminar at UA that highlights the social changes, particularly for rural women, which have taken place in Central America since the cessation of the political violence that marked the decade of the 1980s and supervise graduate students doing fieldwork in Guatemala. In addition, I have served as co-chair of the Guatemala Task Force, part of the American Anthropological Association's Human Rights Committee.

Mayan People of Guatemala

11. Modern Guatemala consists of indigenous peoples and ladinos (non-Indians), many of whom claim descent from the Spanish conquistadors. The largest indigenous group is the Maya, the majority of whom now live in the western highlands. The Maya in turn fall into twenty-two distinct sub-groups, the largest of which are the Mam as well as the Quiche and the Ka'quiche.

12. Long subjugated by “ladino” Guatemalans who trace their ancestry to the Spanish conquistadors, indigenous peoples comprise the lowest class in Guatemala—and indigenous women occupy the lowest position among them.
13. Language is a key distinguishing feature of the indigenous peoples in general. In Guatemala, indigenous groups speak completely separate languages, unintelligible from each other. Even the various Mayan sub-groups cannot understand one another’s languages.
14. Mayans in Guatemala do not readily blend in with the ladino population. Even those who have learned Spanish in school or elsewhere often speak differently than native Spanish speakers, with grammatical errors, slower speech, and, in the case of indigenous women, a humbler version of Spanish in which the respectful “usted” is universally used for “you,” reflecting their status as inferior to that of the person being addressed (normal convention permits the use of the more familiar “tu” when addressing a younger person). Indigenous people are also recognizable by their facial features. The traditional dress of the indigenous peoples—in particular a long hand-woven skirt and blouse for women—further sets them apart from their ladino countryfolk.
15. Due to compounded historical discrimination, there exists pressure in Indigenous communities to assimilate for survival. For example, children are taught only Spanish and are encouraged to abandon traditional dress in the hopes they may escape discrimination. However, even individuals in that position are still recognizable and singled out for the reasons mentioned.
16. Although the numbers are contested, my research indicates that the indigenous peoples certainly either have parity of numbers or even a slight advantage in terms of numeric populations. However, despite their relative strength in numbers, the indigenous of Guatemala suffer disproportionate deprivation and marginalization in myriad ways, including glaring economic inequality. For instance, while the majority of the Guatemalan population lives in rural areas and works in agriculture, 70% of the arable land in the country is owned by just around 2% of the population.¹ This represents one of the most unequal land distributions in Latin America, and it disproportionately affects indigenous peoples. For the Maya in the western highlands, indigenous women are extremely unlikely to own sufficient arable land or even any land at all. Deep rooted gender inequality further places indigenous women at the “bottom of the barrel.”

Current Risk of Harm and Discrimination Against Mayan Women

17. Though the Guatemalan Civil War officially ended in 1996 with the signing of the Peace Accords, the impact of the 36-year conflict is still felt deeply at the most local

¹ USAID, LandLinks, Guatemala Country Profile, <https://www.land-links.org/country-profile/guatemala>.

levels. The social fabric of Guatemala simply broke down. Men who had served in the military, as soldiers and in civil patrols, were suddenly disbanded and allowed to return to their communities. These men, both ladino and indigenous, had been trained to kill, torture and rape women, but were not given any counseling or assistance to readjust to civilian life. Where one day these men were encouraged to commit violence in the name of the state, the next, they were sent back to civilian communities which were in many ways unprepared for their return.

18. Both indigenous and ladino (non-indigenous) communities to which these men returned were forced to absorb new levels of Post-Traumatic Stress Disorder (PTSD), alcoholism, aggression, and domestic violence. It was, of course, women who were the most injured in the process because they are viewed as inferior in general in Guatemala. Almost thirty years after the end of counterinsurgency, the trauma from the genocide continues to be passed on intergenerationally.
19. Women are viewed as inferior to men in Guatemalan society. Patriarchy is ingrained and prevailing machismo attitudes condone aggressive behavior and violence against women. Guatemala's Civil War exacerbated these attitudes because the State trained its army to rape, mutilate, and murder women in terrifying and brutal ways, normalizing violence towards women.
20. Today, Guatemala is one of the most dangerous places for women in Latin America. Violence against women, including femicide—the gender-motivated killing of women—has reached epidemic proportions in Guatemala over the past two decades. Before the COVID-19 pandemic, on average, more than 700 women were reported murdered every year for more than a decade, many dismembered or mutilated. According to the World Bank, though annually reported violent deaths of women dropped during the first year of the pandemic, the country still registered one of the highest rates of femicide globally. And the numbers have begun to climb again. Sexual violence, including rape, is also common. In 2008, Guatemala passed the Law Against Femicide and Other Forms of Violence Against Women: an important first step, yet, as described more below, the law and the institutions it has created have been largely ineffective and violence against women has continued unabated. The U.S. State Department has characterized violence against women as “a serious problem.”
21. Domestic violence is rampant: in some rural communities, 90% of women and children are abused.² Available figures show that for the tens of thousands of reported incidences of violence against women only a fraction of the cases lead to prosecution and even fewer are resolved with convictions. Despite changes in the law, an ingrained patriarchy and machismo result in the continued belief that women are the property of and worth much less than men.

² SOS Children's Villages USA, Where We Are: Americas: Guatemala, <https://www.sos-usa.org/where-we-are/americas/guatemala>.

22. The prevalence of violence against women is not distributed equally across race and class. Mayan women are at the very bottom of the social hierarchy and are the most vulnerable in the community, as they suffer sexual abuse and violence at the hands of men from all sectors of Guatemalan society. Due to their lack of education, skills, inability to speak Spanish, and their inability to participate fully in the economy, they are at even greater risk of manipulation and victimization. In fact, currently, only one indigenous person holds a cabinet-level position in the government and few hold regional and local offices.
23. Indigenous women and children that lack family protection, such as women that have been abandoned or widowed or children living without a father, are especially susceptible to attacks and violence, including sexual violence. An indigenous woman without a male family member to provide for her is also much more likely to struggle economically as she will have little means to earn a living. Patterns of discrimination against indigenous people show up in myriad ways. For example, while 50% of non-indigenous households live in poverty, the poverty rate is 80% for indigenous households.³
24. While there is a generalized intensification of violence in Guatemala today, Mayan women remain most highly at risk of harm by former soldiers, former civil patrollers, and anyone else who understands that there is total impunity for violence against Mayan women. This accounts for the ongoing abuse of Mayan women at the hands of men from all sectors of Guatemalan society—ladino and indigenous alike. I believe the most common predators today can be categorized as provided in the following sections.

Former Civil Patrol & Military

25. Ex-Civil Patrol and ex-military members continue to inflict violence and torture against indigenous women, often using techniques that mirror those used during the war. These men remain in positions of local and governmental power and are still perpetrating crimes against women and, aside from one exception in a highly publicized case discussed below, have yet to be held accountable for their crimes.

Police & Military

26. The current police and military often victimize indigenous women, too. First, many police are former members of the Guatemalan military and maintain both the racism and training that motivated acts of violence against Mayan women during the war.

Employers & Co-workers

27. For those Mayan women who have been able to enter the workforce despite lack of education or Spanish language abilities, the workplace is also a danger zone, as they are too often victimized by men in positions of power. Most indigenous women are forced to work in factories (*maquiladoras*), where abuse is common and takes many forms. For example, they suffer sexual harassment by the managerial staff, are forced

³ USAID, Fact Sheet: Indigenous Peoples (Guatemala),
<https://www.usaid.gov/guatemala/our-approach/indigenous-peoples>.

by their bosses to take drugs to stay awake so they can work longer hours, and are locked in the building to prevent them from leaving. Also, if a woman becomes pregnant, she will most likely be fired.

Intimate Partners

28. Indigenous women further suffer high levels of violence even at the hands of their intimate partners, including spouses and other domestic partners, as well as their partners' families. Though her abuser may himself be indigenous, the Mayan woman is still regarded as holding an inferior and defenseless position. As a result of these social conditions, rural Mayan women are the most vulnerable population in Guatemala. Because of their lack of education and fluency in Spanish and their socially inferior position relative to men—both ladino and indigenous—Mayan women are at greater risk of manipulation and victimization. This is particularly true for women alone, either abandoned or widowed, who are often the poorest of the poor. Without a vital economic partner—many of these women are often landless—Mayan women are the most likely victims of rapacious acts of violence, both economic and physical. Land is crucial to survival in the rural highlands of Guatemala: with it one can eke out the bare bones of survival with a modicum of corn and beans. Without land, one is bereft of even the most meager access to food. There are very few possibilities for men to earn cash in rural indigenous communities in the highlands of Guatemala, for women today it is almost non-existent.
29. Moreover, without a partner or male family members to protect them, rural indigenous women are at risk of sexual violence by other community members. As in many cultures worldwide, women who have lived outside their community for some time—whether due to political or economic reasons—become the subjects of gossip and rumors, which can have detrimental social consequences, raising the potential for violence to be used (and justified) against them. As a result, Mayan women are the most vulnerable of all victims of violence.

Gangs

30. As discussed in the following sections, Mayan women are additionally at heightened risk of being targeted for assault, extortion or rape by gang members. This is in part connected to the reverberating impacts of the war, as many former soldiers joined or even helped to form influential gangs in Guatemala.

Gangs In Guatemala

31. Shored up by impunity at the national, regional, and local levels, a multi-layered system of corruption, lawlessness and violence permeate Guatemalan society. Gangs with transnational roots are deep and wide. Following the Peace Accords of 1996, Guatemala experienced a significant rise in the level of violence and the predominance of organizations linked to drug trafficking and organized crime. These groups are referred to as gangs and include MS-13, Barrio-18, and other smaller, but no less lethal, street gangs.

32. Initially, gangs operated in urban areas and their surrounding suburbs. For decades they were prevalent in and around Guatemala City, the largest city in the country, and in the main cities in each department (province) of the country. In the province of Huehuetenango, where the municipality of Cuatro Caminos is located, criminal activity is widespread, including crimes such as armed violence and high rates of homicide and femicide. Guatemala City, the capital of the country, is listed in the top 50 most dangerous cities in the world not at war. According to the Guatemalan government, about 40% of the national territory is under the control of international criminal organizations. Moreover, low levels of education, poor access to health care and housing as well as few job opportunities—75% of the active workforce in Guatemala work in the informal economy—contribute to high levels of vulnerability to gang-related violence throughout the region.
33. Although initially more visible in urban areas, the rural regions of Guatemala are now also fraught with gang violence. Yet the true extent of the problem in rural communities is largely unknown because most of the data collected is from urban and eastern Guatemala. Until recently, little was known publicly about gang violence in rural, indigenous communities in the provinces along the western border with Mexico: Huehuetenango, San Marco and Quiche.
34. More information about the extraordinary violence that takes place in the western border provinces located among major drug trafficking routes has come to light in recent years. From interviews with rural residents, it appears that local gangs often work in coordination with regional networks involved in illicit activities such as drug and human trafficking. Moreover, gang members work as transporters, hustlers, and extortionists. The gangs retaliate to any threat to their de facto power with brutality, threats, extortion, rape, and murder.

Gangs Targeting Women and Children

35. Guatemalan gangs target the most vulnerable residents, including indigenous women and children for many reasons. For example, children may attract the attention of gang members after witnessing gang related crimes or venturing into gang territory to attend school. It is also well-known that children are often the victims of gang recruitment and face violent consequences if they refuse to join. Criminal organizations may force children to commit the most serious crimes because the criminal penalties are less than those for an adult. Children may be used to engage in the sale and distribution of drugs, kidnappings, extortion, and murder.
36. Gangs forcibly recruit youth through intimidation and threats against them and their families or by offering money, protection, sex, or drugs. Children who are already marginalized, such as indigenous children, are more likely to be targeted by gangs. If youth refuse gang recruitment, they will most likely be killed and their families will suffer consequences too. Indigenous women-headed households are especially vulnerable, further increasing the likelihood that children from such families will be targeted by gangs.

37. Gangs use extortion as a primary means to control adults in the community. They demand regular payments under the threat of violence or death, often increasing the amount required each time. Many people pay the gangs in fear for their lives. Those that do not pay face violent retaliation against all members of their family for their perceived defiance and opposition to the gang's demands. Guatemalan children are routinely found dead in the street after their parents did not comply with demands for money.
38. There are numerous examples of children who have been killed by a gang for refusing to join or failing to cooperate with the gang. Young Mayan women and girls are sexually assaulted for opposing the gang's practices due to religious or other principles or for their family's opposition to the gangs. Children and women alone in gang-controlled areas live in a perpetual state of vulnerability and their survival depends upon either learning to live with gangs by joining them or escaping the violence by fleeing. The Guatemalan government, including local police and officials, provides neither protection nor means for women or children to escape the gangs' reach.

General Impunity

39. Though the war formally ended in 1996, and though the government has nominally repudiated the violence that occurred during the war, the crimes of war have never been fully redressed, including the 600 or so massacres committed, the vast majority of which against the Maya.⁴ The perpetrators of the violent crimes against indigenous women that occurred during the war included the government, the military, and individuals in the communities. These people have enjoyed impunity and, with few exceptions, have never been held accountable for their crimes.
40. Despite his responsibility for thousands of deaths during the "scorched earth" campaign and reputation as one of the most serious human rights abusers in Latin America, in 2004, Guatemala's Constitutional Court held that General Efraín Ríos Montt could run for president. In 2013, Ríos Montt was convicted for the murders of thousands of Maya during the conflict and sentenced to 80 years in prison, which was a significant and long-fought victory. But impunity and corruption are so entrenched in Guatemalan society that within a week, the conviction was annulled. The Attorney General who led the prosecution was soon thereafter ousted from her position. Ríos Montt died before he could be retried. There have not been any further convictions for the intellectual authors of the genocide against Mayan people.
41. There has been one other attempt to hold perpetrators of violence during the civil conflict accountable in a case known as Sepur Zarco. The Sepur Zarco case brought to trial two ex-military officers for their role in sexual slavery of indigenous women. Both men were convicted in an historic trial, but the men have appealed their

⁴ After the war, the UN-sponsored Truth Commission took testimony from around the country, finding that 83% of the victims were Maya and finding genocide against the Maya people in many instances.

convictions. While a major achievement for the victims and the women's movement that supported the case, it has done little to change the current reality of indigenous women.

42. Guatemalans understand that if there has been little to no redress for the genocide of the war, there will certainly be no penalty for crimes against individual indigenous people. Due to their absolute lack of social status or access to state protection, Mayan women remain more vulnerable to harm and have less access to justice for harms committed against them than their ladino counterparts.
43. Since the Civil War period, crimes committed generally go unaddressed due to, among other reasons, wholly ineffective law enforcement systems and government corruption. Corruption pervades the justice system at all levels, including the highest echelons of government. In 2014, a corruption scandal revealed by the International Commission Against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad en Guatemala*, or CICIG), known as *La Línea*, rocked the country. High level officials including then President Otto Pérez Molina and his vice president were implicated, removed from office, and convicted of crimes. Shortly thereafter, former President Jimmy Morales assumed office. Yet there was no discernable shift away from entrenched corruption and impunity during his time in office. Moreover, former President Morales, while in office, had close ties to Guatemala's military and has appointed former military in key administration positions. By way of example, one of the defendants in the Sepur Zarco case was on the short-list for President Morales' cabinet before his indictment. Morales also disbanded the UN-sponsored Truth Commission that had investigated atrocities committed during the Civil War and banned the head of the CICIG from entering Guatemala. More recently, during the administration of President Alejandro Giammattei (2020-2024), most of the prosecutors and judiciary who were investigating corruption fled the country in response to death threats or threats of persecution.
44. Impunity has bled right down to the local level, which allows for violence and lawlessness to emerge in new ways, even after the Peace Accords.

Mayan Women Understand the Futility of Reporting Violence

45. Mayan women in Guatemala rightly understand that neither the National Civil Police nor other government actors will protect them from violence. Functioning courts are sparse, and few if any indigenous women would attempt to use them as they widely recognize the futility in doing so. I have personally never encountered a case where an indigenous woman had successfully obtained a protective order from her abuser.
46. As a preliminarily matter, there is little to no police presence in rural northwestern departments like Huehuetenango. Further, any police serving in these areas may be working in coordination with the gangs themselves or may be easily bribed or coerced to look the other way when it comes to indigenous complaints.

47. Additionally, the police throughout the country are unlikely to want to help an indigenous woman because they too often share the racist view of indigenous inferiority. They are also unlikely to respond to matters of sexual violence or harassment because women victims are often seen as bringing such incidents upon themselves and sexual and domestic violence are not seen as serious matters worthy of law enforcement involvement.
48. In addition, reporting would be futile due to widespread corruption of the Guatemalan police and judiciary (and government as a whole, discussed above). Police are notoriously underpaid and so are easily susceptible to bribes. Any abuser of an indigenous woman likely has more money or power to influence the police than his victim. Relationships among ladinos within a community often influence whether a ladino man will be punished for abusing a Mayan woman, as well. Even an indigenous man has more influence over the police than an indigenous woman.
49. Further, the lack of faith in police forces is reasonable considering Guatemalan police officers' low education and complete incompetence. Police often lose or throw away criminal evidence. Even if an officer were willing to follow-up on a case, forensic evaluation procedures in Guatemala are so poor that the evidence and crime scene are often too contaminated to be used in a proper investigation or prosecution. Thus, discrimination against indigenous people and beliefs that women are inferior to men are root causes of the extraordinary violence against women in Guatemala. Moreover, government-sanctioned impunity enabled by a dysfunctional legal system and coupled with widespread social attitudes of women's inferiority act in concert to normalize violence against women and make it nearly impossible for indigenous women to obtain any government protection or legal redress.
50. There are also logistical and structural barriers to accessing police protection. Often, a Mayan woman living in a rural village would have to travel great distances to a municipal township where police officers are stationed if she wanted to report a crime. Also, police are often unable to even travel to a rural village to respond to a crime report. Thus, though it is not likely an indigenous person would even contemplate reporting a crime in the first place, it would be quite difficult to secure police response even if she tried.
51. Reporting is also dangerous for Mayan women as reprisals from both the government and community are common. As noted above, government forces are often directly involved in acts of violence and abuse against indigenous women. Mayan communities have never known justice from the Guatemalan state, so they simply have no reason to expect it now.
52. Women who are victims of sexual violence, including rape, suffer from societal shame and stigmatization, especially in rural areas. Sexual crimes in Guatemala are viewed as brought about by the woman victim herself no matter the circumstances. Due to the social shame and stigmatization, victims rarely talk about the various forms of abuse they have suffered, to avoid ostracization. This is particularly so in situations of domestic violence, where the woman remains dependent on her abuser.

for the livelihood of both herself and her children. Victims are almost always unwilling to report the sexual violence to police or other officials, as those officials are likely to disbelieve the allegations or to share in the widespread perception that women are inferior and sexual violence may be justified or condoned.

53. For all these reasons—bias, corruption, racism, impunity, lack of funding and training, alongside of police officers’ own fear of gang retaliation—reporting gang violence and death threats in particular to the local police authorities would not serve any positive purpose, even if police were present in a community. It would neither protect the person nor bring the perpetrators to justice. On the contrary, reporting violence (from intimate partners and gangs especially) could very possibly place women at risk of more serious harm if police were available in her community.

Climate Change Exacerbates Vulnerabilities

54. Climate change is exacerbating many of the entrenched vulnerabilities indigenous women face. Guatemala’s susceptibility to the negative effects of climate change—such as increasingly unpredictable weather patterns, prolonged drought, high temperatures, and intense storms—falls disproportionately on rural Guatemalans. Agricultural livelihoods, already degraded by rapid deforestation, overexploitation, and large-scale extractive industry, bear the brunt of climate harms. Small scale farmers in Huehuetenango, for example, have endured prolonged drought and repeated climate irregularities for several years. In the last year alone, they suffered significant (and sometimes total) crop losses due to such factors as reduced, erratic, and unseasonal rainfall and high temperatures. Where a portion of crops are salvageable, farmers in the highlands are often forced to use their meager harvests for immediate consumption and may even feel forced to ultimately sell their land—that is, their very lifeline for sustainable survival—in order to eat.⁵
55. These factors in turn result in further food insecurity, persistent poverty, and the reinforcement of harmful gender and societal norms. As detailed above, indigenous women are highly unlikely to own land, let alone arable land, which forces them into a situation of dependency for survival. Where there are few, and dwindling, possibilities even for men in the highlands of Guatemala to manage bare-bones existence in the face of climate change, there are all but none for indigenous women. Additionally, the lack of opportunity itself subjects women to increased risk of domestic violence by exacerbating the underlying drivers of violence: further compounding cycles of vulnerability. If the burdens of climate change continue to force rural communities from their lands, indigenous women will be left without even meager access to food, and without recourse. Climate change—in concert with political, social, economic, racial, and gender-based inequities—thus disproportionately affects rural indigenous women and further guarantees their

⁵ Famine Early Warning Systems Network, “Guatemala Food Security Outlook Update, February 2024: Prolonged purchase of food at high prices, irregular rainfall, and high temperatures usher in the early onset of the lean season,” <https://fews.net/latin-america-and-caribbean/guatemala/food-security-outlook/february-2024>.

position at the “bottom of the barrel.” Moreover, as discussed below, it is extremely dangerous for an indigenous woman to attempt to relocate elsewhere in Guatemala, meaning the dispossession of land leaves indigenous women without options and without a place to go.

Mayan Women Cannot Safely and Reasonably Relocate Within Guatemala

56. Indigenous women who attempt to resettle alone in Guatemala face a high risk of violence. To begin, it is virtually impossible for indigenous women to successfully relocate in rural areas in Guatemala and survive. Their outsider status and lack of contacts make them vulnerable to suspicion and rumor, often a deadly combination. Without social contacts combined with a lack of economic opportunity, indigenous women are left with few resources to survive economically or socially.
57. Within rural areas, community ties are extremely important. Finding a job and finding a place to live may be possible with the help of relatives or friends. Relocating in a rural area without knowing anyone in the community would be impossible; a woman would quite simply have no way to assimilate and survive in a closed community that is not her own.
58. It would likewise be virtually impossible for an indigenous woman to relocate and survive in an urban area. If a woman knows no one, she would have no support in terms of a place to live or contacts for work. There are virtually no jobs available to unskilled indigenous women in the private or public sector. 75% of the active workforce is employed in the informal sector, and those jobs (other than with gangs, drug cartels, or prostitution) are obtained through family and community ties; moreover, they are highly sought after, and those few available to women would more readily go to ladinos than Mayans. As an indigenous woman without family or community ties that could help her find a job in the informal sector, a woman would have great difficulty finding any work at all. In addition, due to the poor overall economic situation, only people with money are able to afford basic services, such as water, electricity, and health care. In Guatemala, indigenous women thus face extreme challenges even to subsist and survive.
59. If an indigenous woman did try to relocate, she would become extremely vulnerable to victimization and suspicion. She would be most likely forced to live in an impoverished neighborhood in which she had little or no social support or protection. She would risk being targeted for physical and/or sexual violence, being forced into prostitution, or falling into destitution without hope of government protection or assistance. Social networks are crucial for survival in Guatemala whether in the rural areas or urban centers. A government social safety net is non-existent in Guatemala and without links to family or kin for assistance one’s ability to survive is extremely precarious. Someone returning to their rural community would most likely be met with suspicion and derision. And trying to establish a life in an urban area without community and familial ties is nearly impossible. These social groups are essential for linking someone with the necessary resources for a livelihood: housing and work in the informal economy.

60. Women who attempt to resettle alone in Guatemala face a high risk of violence. A woman alone, or with children, with no means of survival, would be quickly preyed upon by the gangs that compete for territory and power in the cities (as well as large swaths of the countryside). As in the rural areas, due to corruption, inadequate funding, the officers' fear of the gangs, and other reasons, a woman would not be able to rely on the police to protect her. She would be a prime target for rape and other forms of violence. An indigenous woman would face a high risk of dire harm if she should attempt to resettle alone in Guatemala, and to attempt to resettle with children places everyone concerned at an even higher risk of harm.
61. A Mayan woman who relocated within the country to try to escape gang attention and gang violence would almost certainly be located by the gang. Even apart from the extensive communication channels and influence gangs maintain throughout the country, Guatemala is a fairly small country and a difficult one to hide in. In addition to gangs with vast connections around the country, ex-partners, family and community members would also not have a difficult time finding someone who has relocated. Guatemala is approximately the size of the state of Ohio, with a multiethnic population of eighteen million, of which the Maya are the majority. Due to the high poverty rate, virtually all Maya ride public transportation, shop in public markets, and seek work in the informal labor market. Cell phone use is ubiquitous everywhere. The chances of being recognized are therefore extremely high.

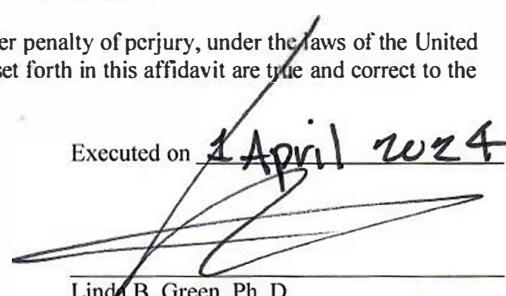
Conclusion

62. The rampant lawlessness and impunity in post-war Guatemala place many people at risk of harm. However, there is no doubt that Mayan women—who still rank as the lowest class of citizens in Guatemala by all conventional indicators—remain the most vulnerable to harm and the least likely to receive state protection. The violence these women suffered throughout the Civil War continued even in the years following the 1996 Peace Accords and continues today, due to the ongoing impunity of wartime actors who were never purged and who were reintegrated into civilian life. This is compounded by societal attitudes which accept as normal violence against women. Mayan women continue to be targeted by men due to their compounded disadvantage of gender, ethnicity, and enduring powerlessness.
63. Pervasive racism against indigenous Maya and prevailing sexism and machismo attitudes against women and girls mean that Mayan women and girls are subjugated in every aspect of their lives and cannot expect help, protection, or justice from the Guatemalan government. Gangs capitalize on these toxic, racist, and sexist attitudes and prey on indigenous women on account of their race, and on women and girls in general on account of their gender, to extort and control.

64. In this environment, returning an indigenous woman, in particular who has already been the target of gangs or other violent actors, to Guatemala is extremely likely to result in her suffering threats, violence, rape, and/or death.

I, Linda B. Green, Ph.D., declare under penalty of perjury, under the laws of the United States, that the foregoing statements set forth in this affidavit are true and correct to the best of my knowledge and belief.

Executed on 1 April 2024


Linda B. Green, Ph. D.

LINDA BUCKLEY GREEN

Professor
School of Anthropology
University of Arizona

mailing address:

School of Anthropology
University of Arizona
1009 E. South Campus Drive
304 Haury Building
Tucson, AZ 85719

TEL:520 -621 6291
CELL: 520-977-2942
FAX (520)621 6291
Email: lbgreen@arizona.edu

EDUCATION:

1985-1993	University of California, Berkeley 1993, Ph.D. Socio-cultural and Medical Anthropology 1987 M.A. Socio-Cultural Anthropology
1984-1985	Johns Hopkins University, Baltimore School of Hygiene and Public Health MPH, Public Health Epidemiology
1971-1975	Boston College BS, Anatomy and Physiology

AREAS OF EXPERTISE:

Geographic Areas: Guatemala; US-Mexico border, Alaska

Topics: Historical political economy, indigenous rights, human rights, political violence, gender, medical anthropology, including general theory, critical medical anthropology, global health disparities and issues of power, inequality, and structural violence, social suffering, an anthropology of epidemics, the social effects of war and militarization

Other areas: Theory in anthropology, border issues, globalization, war and militarization, development, labor migration, issues of ethics and engagement

Languages: Spanish (fluency), Kaqchikel (beginner)

ACADEMIC EMPLOYMENT

University of Arizona, Tucson

2018 – present	Professor, School of Anthropology, University of Arizona
2011- 2016	Director, Center for Latin American Studies
2003- 2018	Associate Professor, School of Anthropology. University of Arizona
1999 – 2003	Assistant Professor (tenure-track appt) Dept. of Anthropology, University of Arizona

Columbia University, New York

1993 - 1999 Assistant Professor, Dept. of Anthropology and Dept. International and Public Affairs, Columbia University

RESEARCH ACTIVITIES AND FUNDING SUPPORT**External Sources****National Science Foundation**

2023 In the Aftermath of Asylum: Guatemalan Mayan Women's Struggles for Survival in Guatemala, Chiapas, MX and the US (\$255,547) (submitted).

National Science Foundation

2022 In the Aftermath of Asylum: Guatemalan Mayan Women's Struggles in Guatemala, Chiapas, MX and US (\$242,130) (revise and resubmit)

National Science Foundation

2020 Supplemental Award to develop. curriculum on Indigenous Peoples of the Far North - graduate assistant training and funding (\$5,000)

National Endowment for the Humanities

2020 Fellowship for completing book manuscript, "To Die in the Silence of History" (\$60,000) February - January (2021) (awarded)

National Science Foundation

2019 Geoscience Directorate, Office of Polar Programs, Arctic Social Sciences "Subsistence and Outmigration: An intergenerational dialogue between Alaska Native Elders and Youth" (\$295,766) (awarded)

National Science Foundation

2016 Geoscience Directorate, Office of Polar Program, Arctic Social Sciences "Culture Change and a Way of Life: intergenerational perspectives on rural well-being among Alaska Natives" Resubmitted and declined (\$1,109404)

National Science Foundation

2016 Geosciences Directorate, Office of Polar Programs, Arctic Social Sciences "EAGER preliminary grant" Culture Change and a Way of Life" Awarded (\$16,000)

National Science Foundation

2015 Geoscience Directorate Office of Polar Programs, Arctic Social Science "Culture Change and a Way of Life: intergenerational perspectives on rural well-being among Alaska Natives" (\$796,360 revise and resubmit)

Wenner-Gren Foundation for Anthropological Research

2011-2013 Impact of "Illegality": Immigration raids, social networks and vulnerable spaces. Co-PIs Elizabeth Oglesby and Ruth Piedrasanta (\$35,000)

National Science Foundation

2010-2015 Office of Polar Programs, Arctic Social Sciences
The Invisible Wounds of War: An ethnographic examination of
Yup'ik soldiers of southwestern Alaska (\$420,000)

National Science Foundation

2009-2010 Office of Polar Programs, Arctic Social Sciences
SGER, continuing exploratory research on soldier reintegration
(\$66,000)

National Science Foundation

2008-2009 Office of Polar Programs, Arctic Social Sciences
SGER, exploratory grant on the reintegration
of Yup'ik soldiers back into their home communities (\$21,000)

National Science Foundation

2004-2007 Office of Polar Programs, Arctic Social Sciences –
2 years grant for data collection on tuberculosis
epidemic among Yup'ik people in southwestern Alaska (\$450,000)

National Science Foundation

2003 SGER, Office of Arctic Social Sciences, exploratory research in Alaska
(\$30,000)

National Science Foundation

2002 SGER, Office of Arctic Social Sciences, exploratory research in Alaska
(\$30,000)

State of Alaska

2002 Department of Health, Division of Public Health Epidemiology
research grant on state and territorial history of tuberculosis practitioners
(\$10,000)

Institute for International Education Fulbright

1988-1989 Fellowship for doctoral dissertation research in Guatemala (\$13,000)
1989-1990 reviewed and renewed

Foreign Area Language Studies (FLAS)

1988 Award, advanced Spanish, Guadalajara, Mexico

American Lung Association Fellowship

1984/85 Full tuition and stipend for study at Johns Hopkins University
School of Hygiene and Public Health

Internal Institutional Support

University of Arizona

2019 SBSRI Professorship award (fall semester)
2018 SBSRI Leverage Grant – travel to Guatemala (\$1500)
2018 SBSRI Faculty Small Grant “Life After Asylum” (\$3500)
2015 Student Engaged Learning Grant with Prof. Celeste Gonzalez de Bustamante
(\$10,000)
2015 SBSRI Leveraging Grant (\$1000)
2013 Confluence Center Grant (\$25,000) with Dr. Matias Bianchi Virtual Dialogues
2011 **Udall Fellowship** Udall Center for Public Policy. Spring semester (declined)

2009	SBS Development Research Award – support for preliminary research on a collaborative project: Taking Risks: Migration from Guatemala to the Border and into communities in the US, with Dr. Kraig Beyerlein (Sociology) and Dr. Elizabeth Oglesby (Geography) (\$10,000)
2008	Magellan Foundation award to fund an all day graduate student seminar on migrations issues – with Dr.Kraig Beyerlein (Sociology) and Dr.Raquel Rubio-Goldsmith (Mexican American Studies) (\$2,000)
2007	SBSRI – Research Professorship
2005	Social and Behavioral Sciences Research Institute , research assistant graduate student for library research on book manuscript, White Plague
2005	Reicker Research Funds – for border migrant project
2002	WOSAC Summer Research Stipend . Women's Studies Institute U of AZ. Research in Guatemala
2002	Udall Fellowship , Udall Center for the Study of Public Policy, U. of AZ Spring semester
2001	SBSRI Summer Workshop on Grant writing, University of Arizona
2000	Rieker Research Funds , Department of Anthropology summer research trip to Guatemala
2000	Southwest Institute for Research on Women Mini-Grant for Curriculum Development on Combating Violence against Women, applied to development work in my course "Power and Violence in Central America and Mexico
2000	University of Arizona Fellowship, Vice President for Research and Graduate Study for summer archival project - "Blood on People's Hands"

Columbia University

1997/98 and 1995/96

Seminar Award, Center for the Social Sciences, Columbia University seminar series "Human Rights and Anthropology"

1994 and 1995 **Summer Research Fellowship**, Council for Research in the Humanities Social Sciences, research in Guatemala

University of California, Berkeley

1992/93	Chancellor's Dissertation Writing Fellowship
1987/88	Regents Fellowship ,
1987	Robert H. Lowie Scholarship , Dept. Anthropology
1986	Stanford-Berkeley Consortium on Latin American Studies Tinker Fellowship preliminary research in Guatemala
1984/85	The John Hopkins University Fellowship
1984/85	The American Lung Association Fellowship

PUBLICATIONS

Books:

Forthcoming

To Die in the Silence of History: tuberculosis among Yup'ik people of southwest Alaska (under contract, University of Arizona Press)

2013 Viviendo en miedo: las viudas mayas en los areas rurales de Guatemala
Antigua Guatemala, Guatemala: Editoriales Pensativass

1999 Fear as a Way of Life: Mayan Widows in Rural Guatemala. New York:
Columbia University Press

Edited Volumes

In Preparation
Handbook of Mass Violence . eds Nerina Weiss, Linda Green, Maria Six
Hohenbalken London: Routledge

2023 The Entanglements of Ethnographic Fieldwork in a Violent World. eds. Nerina Weiss, Erella Grassiani and Linda Green London: Routledge.

1998 Guest Editor *Medical Anthropology Quarterly* "The Embodiment of Violence" 12(1).March

1986 Guest Editor, *Kroeber Anthropological Papers* Nos.69-70 Spring,
Collected papers in Medical Anthropology

Series Editor

2010- present With Don Kalb and August Carbonella, *Dislocations: Critical Studies in an Anthropology of Displacement*, Berghahn Press
Thirty four published books in the series to date

2017- present **Associate Editor** Public Anthropologist, Chr. Michelson Institute
University of Bergen Bergen, Norway

Book Chapters

2023 "Making Common Cause: Anthropology as Praxis, Ethics as Politics" In Nerina Weiss, Erella Grassiani and Linda Green, eds. *Loose Ends of Fieldwork*
Routledge

2019 "Seeking Refuge, Met with Violence" In: Sheridan, Tom and Randall McGuire, eds. *The Border and its Bodies*. Tucson: University of Arizona Press.

2015 "White Plague: thinking through the tuberculosis epidemic" In: Lem, Winne, Pauline Barber and Belinda Leach, eds. *Confronting Capital: Essays in Honor of Gavin Smith*
New York and London: Routledge Press..

2010 The Utter Normalization of Violence: silence, memory and impunity among the Yup'ik people of southwestern Alaska, Nerina Weiss and Maria Six-Hohenbalken eds. In: *Anthropological Perspectives on Expressions of Violence*. Aberdeen, Wales: Ashgate Publishers.

2010

Fear as a Way of Life: power, violence and terror" In: Breen, Maureen. *Ashgate Research Companion on Political Violence*. Wales: Ashgate Publishers.

1999 One Hundred Years of Violence in Rural Guatemala: Reflections on Anthropology and History" On War - Revistied Antropologiska Studier No.66-67. Stockholm: University of Stock

1998 The Localization of the Global: Notes on Contemporary Production Practices in a Mayan Community
In, Lynne Phillips, ed. The Third Wave of Modernization in Latin America: Anthropological Perspectives. Scholarly Resources Press.

1997 What at Stake? The Reform of Agrarian Reform in Mexico
Introduction in, The Changing Structure of Mexico. Laurel Randall, ed. New York: M.E. Sharpe

1996 Living in a State of Fear In, Fieldwork Under Fire. Contemporary Studies of Violence and Culture C.Nordstrom and A.C.G. M. Robben,eds. Berkeley; University of California Press.

1995 "Living in Fear" *Occasional Paper series* No. 2 Department of History.
Saskatoon:University of Saskatchewan

1995 The Paradoxes of War and its Aftermath:
Mayan Widows in Rural Guatemala In, *Cultural Survival Quarterly* special issue on women and war.18(4) Winter.

1995 Reterritorializing Space: A Semiotic Geography of Terror
Psychoculture 1(2).

1994 Shifting Boundaries: Mayan Widows and Evangelicals
In, Rethinking Protestantism in Latin America. D.Stolland V. Burnett,eds. Philadelphia: Temple University Press.

1988 Introduction, *Kroeber Anthropological Papers*.
Nos.69-70. Spring.

WORKS REPRINTED

2018 Fear as a Way of Life (reprinted) In: Catherine Lutz, ed *On Militarization* Chapel Hill: Duke University Press

2007 Mayan Youth and Rural Industrialization (reprinted) In: Jonathan Xavier Inda and Renato Rosaldo (eds.) *Anthropology of Globalization: A Reader*, Malden, MA, Blackwell Publishers

2004 Fear as a Way of Life (reprinted) In: Nancy Scheper-Hughes and Philippe Bourgois,(eds.) *Violence in War and Peace*, Malden, MA Blackwell Publishers

2004 Fear as a Way of Life (reprinted) In: Alexander Hinton, (ed) *Genocide* Malden and Oxford: Blackwell Publishers

JOURNAL ARTICLES

2022 The Killing Fields of the American Southwest: Notes from the Arizona Borderlands, Part 3 *Dialectical Anthropology*. January

2020 "COVID-19 and Legalized Criminality: Notes from the Arizona Borderlands" *Dialectical Anthropology*. August.

2020 Steeves, A, Yuan, N, Green,L. Exploring the Role of Community Health workers in Promoting Maternal Health in Nicaragua. *Journal of Global Health Reports*

2018 "No Exit: Mayan Women's Entanglements with Violence, Impunity and Asylum" *Latin American Perspectives*

2016 Mujeres mayas: de genocidio hasta etonocidio Anuario: la revista de antropologia Uruguayo (June)

2015 The Vicissitudes of Violence *Latin American Perspectives* (July)

2014 Betwixt and Between: Yup'ik Combat Soldiers and the Burden of Wars guest editor Antiono De Lauri, *Antropologia* Anno X111 numero 16 pp113-132

2012 The Nobodies: neoliberalism, violence and migration *Medical Anthropology* 30(4)366-385

2010 The Fear of No Future: Guatemalan Migrants, Dispossession and Dislocation *Anthropologica* 51:327-341.

2008 A Wink and a Nod: Notes from the Arizona Borderlands. *Dialectical Anthropology* 32:161-177

2006 "Tuberculosis among Yup'ik peoples in the 20th century." *Witness the Arctic*,

2004 Invited commentary to Paul Farmer's "Structural Violence" in *Current Anthropology*, June 43(3):245-246

2003 " Mayan Youths and Rural Industrialization" *Critique of Anthropology* 27(1)

2002 " Structures of Power, Spaces of Violence: Everyday Life in Post Peace Accord Guatemala" *Focaal, European Journal of Anthropology* Vol.39:117-136

2002 "Impunidad en el altiplano de Guatemala: ex-soldados y *Alteridades*, Cuidad de Mexico

1999 Introduction, "Lived Lives and Social Suffering: Problems and Concerns in Medical Anthropology" In, *Medical Anthropology Quarterly*, Special Issue 12(1) pp.1-8

1997 The Routinization of Fear in Rural Guatemala" *Native Studies Review* 12(1) pp31-49

1992 "Fear as a Way of Life" *Cultural Anthropology* 9(2):227-256

1989 "Consensus and Coercion: Primary Health Care and the Guatemalan State" *Medical Anthropology Quarterly*.3(3):246-257

WORK IN PROGRESS

Book Manuscript

A War Without a Name: Guatemalan Migration to the United States

BOOK REVIEWS

2015 Review of Paper Cadavers Kirsten Weld *American Anthropologist*

2013 Review of I ask for Justice Maya Women, Dictators and Crime in /Guatemala 1898-1944 David Carey, Jr. *The Historian*

2006 Review of Political Violence and Trauma in Argentina, Antonius C.G. Robben, *American Ethnologist*

2002 Review of The Blood of Guatemala Greg Grandin
Socialism and Democracy

1999 Review of: The Guatemalan Military Project A Violence Called Democracy. Jennifer Schirmer
American Ethnologist

1999 Review of: Social Suffering Arthur Kleinman, Veena Das and Margaret Lock, eds. In, *Medical Anthropology Quarterly* (September)

1997 Review of Precarious Dependencies Lesley Gill
In, *American Anthropologist* 98(3):667-8. September

1997 Review of Social Experience and Anthropological Knowledge, eds. K. Hastrup and Peter Hervik.
In, *Folk Journal of the Danish Ethnographic Society*. 37:149-151.

1996 Review of Writings for a Liberation Psychology
Ignacio Martin-Baro, eds. Adrianne Aron and Shawn Corne. In, *Psychoculture*.

Review of Massacres of the Jungle Ixcan, Guatemala 1975-1982, by Ricardo Falla. In, *Mesoamerica*

1995 Review of "Teoria Y Politica de la Construccion de Identidades y Diferencias en America Latina y el

Caribe por Daniel Mato. para *Nuevo Sociedad*
Caracas, Venezuela

1994 Review of Guatemalan Women Speak by Margaret Hooks.
In, *Latin American Research Review*.

1994 Review of Guatemala, a Country Guide by Tom Barry.
In, *Latin American Research Review*.

1994 Review of The Battle For Guatemala by Suzanne Jonas.
In, *Latin American Research Review*

1993 Review of Between Two Fires by David Stoll.
In, *Report on Guatemala*

1992 Review of The Modern Maya by MacDuff Everton.
In, *Latin American Research Review*

PROFESSIONAL PRESENTATIONS

Invited Talks

2022. "In the Aftermath of Asylum: Guatemalan Mayan Women's struggles to survive"
CIESAS, Oaxaca, MX October

2019 Etica como politica, antropologia como la practica: el enredao de las mujeres mayas de
Guatemala en busca de asilo en las Estados Unidos. La universidad autonoma de Puebla.
Puebla, MX 3 de octubre

2019 "Ethics as Politics, Anthropology as Praxis: Thinking through Mayan women seeking
asylum" Keynote address. Launch Conference, Public Anthropologist, Bergen, Norway
May 3

2019 " Violence at the US-Mexico Border: An anthropological analysis" FAFO Institute Oslo,
Norway

2018 "The Border and its Boundaries" University of NE, College of Medicine, Omaha

2018 "No Exit" Minority Health Disparities Center University of Nebraska, Lincoln April

2016 Las mujeres Mayas: de genocidio a etonocido" participante en: "Foro Academic
Dialogos por La Paz" Mesa de Migracion, violencia, derechos humanos. Universidad
Vercruzana, Xalapa, Veracruz, Mexico. April

2015 "Las mujeres indigenas de Guatemala: un historia de violence" Universidad Nacional de
Uruguay, Montevideo October

2015 "Violencia en Guatemala, el pasado y el presente" Universidad Regional, Tacuarumbo,
Uruguay October

2014 "Violence, neoliberalism and migration" talk presented at the Migration Awareness
Month sponsored by the Center for Latin American Studies, Northern Arizona
University. April

2014 "Genocide in Guatemala" talk presented at Genocide Awareness Week. Scottsdale Community College. Scottsdale, AZ April

2014 Invited Commentary; "The Vicissitudes of Violence" in response to the keynote address for Michael Kearney Memorial Lecture by Rodolfo Stavenhagen. Society for Applied Anthropology Albuquerque, MN March

2013 "Bearing Witness: silence, suffering sorrow". Plenary speaker at International Conference The Loose Ends of Fieldwork, The Rehabilitation and Research Center for Torture Victims and the University of Copenhagen

2013 "Betwixt and Between: Yup'ik combat soldiers and the burden of wars" National University of Ireland, Maynooth Department of Anthropology speaker series

2012 Migration Unbound: thinking through a nexus of violence/hegemony/impunity. Kroc Institute for International Peace Studies University of Notre Dame

2011 Notes from the Arizona Borderlands: Migration, Militarization, Inequality. Keynote address. Lehman College Center for Human Rights and Social Justice, CUNY February 2011

2009 White Plague: Yup'ik Peoples and tuberculosis across the twentieth century guest speaker, annual meeting of Association of Pulmonary Epidemiologists September Anchorage, AK

2009 To Die in the Silence of History, Department of Anthropology University of Alaska, Fairbanks

2008 A Wink and a Nod: The Production of Indifference in southern Arizona Austrian Academy of Sciences, Vienna Austria

2008 Violence, Immigration and Impunity. Department of Sociology, University of Arizona

2007 Understanding Fear on the Border. Migration Study Group, Mexican Studies and the Center for Latin American Studies, U of Arizona

2007 The Fear of No Future: Dispossession and Dislocation among Guatemalan Migrants. Human Rights Colloquium, Rogers College of Law, University of Arizona

2007 The Fear of No Future: Guatemalan Migration to the US. Plenary Speaker, CASCA/AES meetings, Toronto Canada

2006 Border Crossings: Displacement and Dispossession, Arizona State University, Tempe

2004 The Production of Fear and Violence along the Arizona-Mexican Border" given at Brown University. April

2004 "The Genocide Cases in Guatemala" Invited talk for the Center for Latin American Studies series University of Arizona. April

2002 "Guatemala: A Case Study" A prepared response to Col. Richard Downie, Commandant of the Western Hemispheric Institute on Security and Cooperation (WHINSEC/former School of the Americas). Center for Latin American Studies, University of Arizona.

2003 "Tuberculosis and Yup'ik Eskimos: Reflections on Public Health Policy" Department of Anthropology and Institute of Social and Economic Development University of Alaska, Anchorage. Guest Lecture

2002 "Order and Chaos: Some Paradoxes in the Treatment of tuberculosis among Yup'ik Eskimos" Department of Anthropology, Emory University, Guest Lecture.

1999 "Mutual Betrayal and Collective Dignity: The Complexities of Violence in Rural Guatemala" Colby College Department of Anthropology. Guest Lecture Series

1998 "Mayan Widows in the Aftermath of War:Dilemmas of Humanitarian Aid in Post-Conflict Guatemala" Tufts University Feinstein International Famine Center. April

1998 "The Embodiment of Violence: Lived Lives and Social Suffering among Mayan Widows in Guatemala" School of Medicine, Division of Community Medicine, University of New Mexico. March

1998 "The Dialectic of Violence: The Simultaneity of Collective Dignity Mutual Betrayal" Keynote Address, Graduate Student Symposium Department of Anthropology, University of New Mexico. March

1998 "An Enigma of Representation: The Simultaneity of Collective Dignity and Mutual Betrayal in Rural Guatemala" Department of Anthropology, Rutgers University, New Brunswick

1997 "The Localization of the Global: Notes on Mayas and the Maquila" New York Academy of Science ,February.

1996 "Fear as a Way of Life" Dept of History University of Saskatchewan, Saskatoon, 2 March

1996 "Violence and Bodily Representations" Wauneskewin Indian Cultural Center Saskatoon, Saskatchewan 2 March

1995 "A Historical Matrix of Violence: Notes on Domination, Struggles, and Resistance" Department of Anthropology CUNY,Graduate Center New York

Seminars

2019 – (Suspended during COVID-19)
 Co-director UA Prison Education Project – weekly seminars on topics of Anthropology at the Arizona State Prison complex in Tucson, AZ.

2007- 2010
 The Vets Ethnographic Project. Ongoing research with ten graduate students Interviewing veterans from the Middle East war theatre in Tucson, AZ

1995
 Chair, commentator " Land Tenure and Migration" The Reform of Mexican Agrarian Reform. Columbia University Seminars 7 April

1994
 Participant in "Workshop on Insecurity"
 Sponsored by the Social Science Research Council
 January New York

1994
 Commentator, "Political Identity: Transformation in Exile". Conference on Exile and Identity The Latin American Experience. Columbia and New York University Consortium

1993
 "Reterritorializing Space: Women and Human Rights in Guatemala"
 Panel discussion, Politics of Identities, Nationalisms, Gender, Development and Human Rights. Women's International Leadership Program, Columbia University

Colloquia

2018 CONACIT, Oaxaca, MX Central American Migration: its causes and consequences. Webinar; May.

2016 Invited participant, "Arctic Social Sciences in the 21st Century, Indigenous Research in the North: Decolonizing Methods, Models and Practices." University of Alaska, Fairbanks March 23-25

2016 Invited participant, "The Border and its Bodies: The Corporeality of Risk in the US-Mexico Borderlands". Amarind Foundation March 16-20

2013 Invited Speaker: Central American Bishops Conference " On Youth Migration". November Guatemala City, Guatemala

2013 Invited participant, Dialogue with the special Rappatour, UN Indigenous People Rogers College of Law, University of Arizona

2006 Invited participant, National Science Foundation seminar on Bering Sea Ecosystem Study (BEST), follow-up community meeting, March, Anchorage

2004 Invited participant at USAID Development Bureau for Democracy, Conflict and Humanitarian Assistance, Office of US Foreign Disaster Assistance and the Tufts University Feinstein International Famine Center "Youth in Emergencies" Series Debate. February 12-13. Washington, DC

2004 Invited participant at National Science Foundation seminar on Bering Ecosystem Study (BEST) Humans and Environment Community Forum. March 25-26 Anchorage, Alaska

2001 Invited participant at Maculinites and Male Homosociality,

Brown University 12-14 April.

1996 Invited participant in "Conferencia de La Articulacion Social a La Globalizacion en la Antropologia Latinoameicana. En Homenaje a Esther Hermitte." Instituto de Desarrollo Economico y Social, Centro de Antropologia Social and the Wenner-Gren Foundation. Buenos Aires, Argentina. 15-17 agosto.

1996 Invited participant in Symposium "In the Eye of the Jaguar: Human Rights and Politics in Guatemala" Tufts University, Latin American Studies Program. Medford, MA. 1 May.

1995 Invited participant "(En)Gendering Violence: Terror. Domination, Recovery", University of Zagreb and the Guggenheim Foundation Zagreb, Croatia 27-29 October

1995 Invited participant in Convocatoria International de Ponencias "Globalizacion y construccion de identidades y diferencias: conflictos transformaciones socio-politicas en America latina. Central University of Venezuela and UNESCO.Caracas, Venezuela 9-13 octubre.

Conferences

2023. Invited panelist on a Tribute to George Lovel's A Beauty that Hurts, Congress of Latin American Geographers, University of Arizona, Tucson January 2023

2021 Invited panel on the US Mexico Border "Mayan Women seeking Asylum in th US: problems and perils" Association of Borderland Studies April (online)

2019 Invited Roundtable on the Border and its Bodies. American Anthropological Association Vancouver BC. November 22

2018 Invited Roundtable on the Ethics of Fieldwork Canadian Association of Social cultural Anthropology (CASCA) Santiago de Cuba, Cuba May

2016 "No Exit: Mayan women seeking asylum at the US-Mexico border" paper presented at the American Association of Anthropology, Minneapolis, MN

2016 "Seeking Refuge; Met with Violence" invited panel at the American Association of Anthropology annual meetings. co-organizer with Jim Quesada

2016 "Making Common Cause at the US-Mexico Border: Anthropology and Journalism at a Neo-liberal University" Society of Applied Anthropology, annual meeting. Vancouver, BC Canada

2015 "Thinking through a critical pedagogy about migration" Invited session Latin American Studies Association meetings, San Juan Puerto Rico

2014 "The ethics of fieldwork: collaborative work on Guatemala and migration" Invited session of Wenner-Gren Foundation for Anthropological Research, American Anthropological Association annual meetings Washington DC

2013 "What kind of Peace" presented in Workshop entitled: Guatemala's Social Contract" Contemporary Politics and the Legacy of the Peace Accords" Latin American Studies Association meetings, Washington, DC

2012 "The responsibilities of studying violence" papers in honor of Dr. Margarita Meville Latin American Studies Association meetings, San Francisco

2009 The Invisible Wounds of War: Yup'ik veterans return to rural Alaska. Presentation given at the annual meeting of the American Anthropological Association. Invited session entitled "Medical Anthropology and War". November Philadelphia, PA

2009 discussant "An Anthropology of Insecurity", Invited session, AAA Philadelphia, PA

2009 " To Die in the Silence of History: Yup'ik peoples and tuberculosis Panel in honor of Gavin Smith. Canadian Association of Social Anthropology, Vancouver, BC

2009 "Dispossession and Dislocation: Thinking through Twentieth Century Colonization in rural Alaska" Alaska Association for Anthropology, Juneau, Alaska

2008 "A Social Anatomy of Arizona: the effects of legislation on migrant well-being. American Anthropological Association. San Francisco, CA

2008 "A Wink and a Nod: Impunity at the Arizona Borderlands" plenary session American Ethnological Society, Wrightsville Beach, NC

2008 "The Primitive Other: Cultural Difference and the Production of Inequality" invited plenary. Association of American Law Schools, Tucson, AZ

2008 "The Utter Normalization of Violence. European Association for Social Anthropology, Ljubljana, Slovenia

2006 "A War Without a Name: The Arizona-Mexico Border", paper in honor of Gerald Sider, American Anthropological Association meetings, San Jose

2006 "What is a human life worth?" panel discussant in honor of Nancy Scheper-Hughes, American Anthropological Association meetings, San Jose

2006 "Dispossession and Displacement: Struggles of Mayan migrants" paper presented at the Canadian Society for Social Cultural Anthropology

2006 "Violence and Development: The World Bank and Guatemala", paper presented at the Society for Applied Anthropology, Vancouver

2005 "Hegemony as History: tuberculosis among Yup'ik peoples of southwestern Alaska" paper presented at the society for North American Anthropology May, Merida, Yucatan,

2004 Production of Fear and Violence along the Arizona-Mexican Border", paper presented at The American Anthropology Association meetings November

2003 Discussant for "Gendering Guatemala" invited session of the Latin American Studies Association Dallas, TX

2002 "Structures of Power, Spaces of Violence" paper presented at the American Anthropology Association Annual meetings, New Orleans.

2001 "Spaces of Violence and Impunity" paper presented at the Canadian Society for Cultural Anthropology (CASCA) Montreal May

2001 "Maya Youth and Maquilas" paper presented at the annual of the American Ethnological Society of AAA, Montreal .May

2001 Chair, Shaping Identities in the Context of Violence Latin American Studies Association (LASA) September. Washington, D.C.

2001 "Impunity and Differentiation: A Case Study." Paper presented at LASA September, Washington, D.C.

2000 "Democracy and Impunity in Post War Guatemala: Liberal Discourse and Lived Reality" paper Presented at the annual meetings of the American Anthropological Association November .San Francisco (session organizer)

2000 "Blood on People's Hands: A Reply to Stoll's Rigoberta Menchu" Paper presented at the LASA conference panel Miami FL March 17

1999 "Power, Culture and Histories in Rural Guatemala" Paper presented in invited session at the annual meetings of the American Anthropological Association. Chicago November

1998 "Violence, Racism, and Gender Dynamics" Paper presented at the annual meetings of the American Anthropology Association. Philadelphia, PA December

1997 "Broccoli, Brussel Sprouts, and la violencia:
The social relations of production in a Guatemalan village"
Paper presented at the annual meetings of the American Anthropological Association, Washington, D.C.November (session organizer)

1996 "Pre-conditions for Internal Violence:
The Delicate Balance between Subsistence,
Social Relations and Suffering" Paper presented
At invited session at annual meeting of the American Anthropological Association, San Francisco, November

1995 "Betwixt and Between: Violence and Representations"
Paper presented at the annual meeting of the American Anthropological Association, Atlanta

1994 "Renegotiating Space: The Communities in Resistance in Guatemala"
Paper presented at the annual meeting of the American Anthropological Association, Washington, D.C.

1993 "The Routinization of Terror". Paper presented at the Society of Psychological Anthropology meetings. Montreal, Quebec

1993 "Fear as a Way of Life" Paper presented at the New England Council on Latin American Studies. Brown University Providence

Professional Service

2023 -ongoing **Prison Education Project** at Dept of Justice Bureau of Prisons, Federal Corrections Complex Tucson. Teaching Anthropology to 15 incarcerated men.

2019 - 2021 **Prison Education Project** at UA Introduction to Anthropology, seminars for incarcerated people at the AZ State Prison complex, Tucson

2018 - present Reviewer, National Endowment for the Humanities, Fellowship Program

2017- present **Associate Editor** Public Anthropologist, Chr. Michelson Institute University of Bergen Bergen, Norway

2011- present. **Expert Witness:** testified as an expert witness to country conditions in Guatemalan over 125 asylum cases for Guatemalan Mayan women.

2014-2018 **Research Advisory Board member**, PC-Cares Mental Health Research in rural Alaska, supported by the National Institute of Mental Health

2013-2015 **Advisory Board member**, NSF Geo-Science Directorate

2011- 2013 **Advisory Board member**, National Science Foundation Office of Polar Projects

2010 **Advisory Board member**, The Javits Review

2010- present **Academic Advisory Board**, The Postville Project: Documenting a community in transition. Collaborative Effort of the University of Northern Iowa Rod Library and the Luther College Archives.

2010 **Faculty advisor**, No More Deaths student chapter, UA

2010 **External panel member** of National Science Foundation ADVANCE CATALYST IT

2009 -present **Institute of Gender and Refugee Studies**, Hastings College of Law, University of California. Wrote an **expert witness** document for their legal archives on gendered violence against Mayan women in rural Guatemala. On call expert witness in asylum cases involving Mayan women

2009 **External panel member** of National Science Foundation ADVANCE IT proposal review for STEM disciplines

2006-2009 **Panel review member**, National Science Foundation, Arctic Social Sciences

2007 – present **Fellow**, Society of Applied Anthropology

2006- 2013 **Treasurer**, American Ethnological Society

2006-2013 **Advisory Board** UA/CIRMA Guatemala, study abroad program

2002-2004 **Steering committee**, **Rogers College of Law** Program on Law and Society, University of Arizona

2004- present **Editorial board member**, Journal of Marxism and Anthropology

2002-2010 Co-chair, **Guatemalan Task Force**, Human Rights Committee, American Anthropological Association (with June Nash)

2001- 2009 **Steering committee**, Guatemalan Scholars Network

2001 Member, American Anthropological Association **Peacock Ad Hoc Task Force** to investigate the ethical allegations against anthropologists by Tierney's *Darkness in El Dorado*

2000- 2006 member, **Editorial Board**, Medical Anthropology Journal

1999-2002 Elected member, **Committee for Human Rights**, American Anthropological Association

1999 **Advanced Seminar** on violence, co-Chaired with Lesley Gill, School of American Research, Santa Fe

1998-2000 Member, **Advisory Board, Bioethics Institute**, Johns Hopkins School Hygiene and Public Health

1993-2000 Member, **Editorial Board**, North American Congress on Latin America (NACLA)

1997 Member, **Task Force on Human Rights and Academic Freedom**, Latin American Studies Association

1993 Student **Commencement Address**, Dept. of Anthropology, Berkeley

Public Engagement

2018- present Student Travel International Guest lecturer on migration and border issues twice per year.

2021- 2024. Food Conspiracy COOP, board member

2020 WFMP Forward Looking Radio Louisville, KY radio interview on counterinsurgency in Guatemala and its relationship to migration.

2020 Democratic Club of Saddlebrook, AZ guest presentation on migration (zoom)

2020 Democratic Women's Club of Saddlebrook, AZ guest presentation on Guatemalan women petitioning for asylum,

Guatemala 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Guatemala during the year.

Significant human rights issues included credible reports of: cruel, inhuman, and degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; transnational repression against individuals in another country; serious restrictions on freedom of expression and media freedom, including threats of violence against journalists and unjustified arrests or prosecutions of journalists; serious government corruption; serious government harassment of domestic and international human rights organizations; extensive gender-based violence, including femicide and other forms of such violence; crimes involving violence or threats of violence targeting members of Indigenous groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; crimes involving violence or threats of violence targeting persons with disabilities; and significant restrictions on workers' freedom of association, including violence and threats against union leaders.

**[Pages 164 – 221 of this Model
Supplemental Filing have been omitted
for concision]**

NOW LIVE: Nations in Transit 2024



Countries

Freedom
Map

Issues

Perspectives

Policy
Recommendations

FREEDOM IN THE WORLD 2023

Guatemala 49

PARTLY FREE

/100

Political Rights	20 /40
Civil Liberties	29 /60

LAST YEAR'S SCORE & STATUS 51 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

While Guatemala holds regular elections that are generally free, organized crime and corruption severely impact the functioning of government. Violence and criminal extortion schemes are serious problems, and victims have little recourse to justice. Journalists, activists, and public officials who confront crime, corruption, and other sensitive issues risk attack.



On Guatemala

See all data, scores & information on this country or territory.

[See More >](#)

Key Developments in 2022

- During the year, Attorney General María Consuelo Porras—who was reappointed for another four-year term in May—continued to use her mandate to block high-profile corruption investigations and weaponize the justice system against independent anticorruption prosecutors. Judges and prosecutors working on corruption cases were removed, transferred, or prevented from taking their posts, and many faced threats, spurious criminal prosecutions, and were forced to leave the country.
- Judges and prosecutors engaged in efforts to bring past human rights

Country Facts

Global Freedom Score

46 /100 **Partly Free**

Other Years

**[Pages 223 - 234 of this Model
Supplemental Filing have been omitted
for concision]**

Neither Security nor Justice:

*Sexual and Gender-based Violence and Gang Violence in
El Salvador, Honduras, and Guatemala*



Acknowledgements

This report was researched by Rachel Dotson and written by Rachel Dotson and Lisa Frydman. It was reviewed and edited by Wendy Young, Cory Smith, Jennifer Podkul, Megan McKenna, and Alex Pender. Kids in Need of Defense would like to thank Silvia Juárez Barrios, Claudia Herrmannsdorfer, Claudia Hernández Cruz, Leonel Dubón, Regina Fonseca, Dalia Martínez, and Daniella Burgi-Palomino for their invaluable feedback on this report. We would like to thank the Mexican Embassy in Washington, DC for its assistance in coordinating access to interview Central American children in Mexican custody. We also thank the embassies of El Salvador, Honduras, and Guatemala in Washington, DC for their assistance in arranging interviews with government officials in Central America. We would like to thank KIND's Legal Services Team for their contributions to this report. We greatly appreciate the help of the numerous civil society representatives and government officials who participated in interviews and provided us with valuable information for this study. We also thank the Oak Foundation, which generously provided support for this research. Finally, we are grateful to each of the children who chose to share their stories with us, either through participating in an interview or allowing us to review their legal case documentation.

Methodology

This report draws on interviews conducted with Central American migrant children, case documentation from KIND's child clients, and interviews with government and civil society representatives to demonstrate the ways in which sexual and gender-based violence (SGBV) and gang violence intersect to threaten the lives of thousands of children and families in El Salvador, Honduras, and Guatemala.

KIND and the Human Rights Center Fray Matías de Córdoba (Centro de Derechos Humanos Fray Matías de Córdoba, or CDH Fray Matías) conducted 60 interviews with migrant children in Tapachula, Mexico, and Mexico City between March and July 2016. Documentation was collected from an additional 36 KIND client cases of child SGBV survivors. Every child provided informed consent to participate in the study. The research also draws on 58 interviews conducted by KIND with key government and civil society actors in El Salvador, Guatemala, and Honduras, including judges, police, and prosecutors as well as representatives from organizations focused on migration and women's, children's and LGBTI rights.¹

This report forms part of a broader ongoing study focused on sexual and gender-based violence and child migration in Central America and Mexico. KIND, in collaboration with CDH Fray Matías and with generous support from the Oak Foundation, documented forms of SGBV against migrant children in their places of origin and transit, as well as the responses of Central American and Mexican governments to these forms of violence. KIND and CDH Fray Matías will publish findings and recommendations from the broader study in summer 2017.

Glossary

Gender-based violence is any form of violence, including physical, sexual, and emotional harm or threats of such harm, against a person based on their actual or assumed sex, gender, or sexual orientation. It includes violence perpetrated in any site including in the home and in public, as well as violence perpetuated or condoned by the state. Gender-based violence typically manifests against women and girls, but victims can also be men and boys, especially in the context of violence against LGBTI people.

Sexual violence is a form of gender-based violence and includes any sexual act or attempted sexual act that is carried out in the absence of freely given consent, regardless of the perpetrator's relationship to the victim. Sexual violence can also include coerced sexual acts in exchange for food, shelter, protection, or resources. While women and girls suffer the highest rates of sexual violence, boys and men are also victims. LGBTI people are also frequently victims of SGBV.

Sexual and gender-based violence (SGBV) refers to sexual and other forms of gender-based violence. Although these forms of violence can be perpetuated against men and boys, they most commonly take the form of violence against women and girls, which is "a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."²

“When a gang says, ‘This is my territory,’ they are talking about everything, the houses, the businesses, the people, and specifically the women and girls.”

Claudia Hernández Cruz, Director, Survivor’s Foundation (Fundación Sobrevivientes), Guatemala

“Women in Honduras live in constant fear. They have no confidence that the government will provide either security or justice.”

Carolina Sierra, Director, Forum of Women for Life (Foro de Mujeres por la Vida), San Pedro Sula, Honduras

“I can tell a woman that she should report domestic violence, but she will ask me, ‘Who will support me, who will protect me?’ and I can’t answer those questions.”

Judge, Tegucigalpa, Honduras

“One of my [police] officers was talking to a 15-year-old girl who was thinking of leaving the country because she was receiving attention from gang members in her neighborhood. I said that we can’t tell her not to go, because we know the government can’t offer her protection.”

Police officer, San Salvador, El Salvador

Introduction

The Northern Triangle of Central America, which includes El Salvador, Honduras, and Guatemala, is one of the most violent regions in the world. Along with staggering homicide rates,³ all three countries have extremely high rates of sexual and gender-based violence (SGBV), including rape and sexual assault, domestic violence, human trafficking, sexual exploitation, and sexual abuse of children.⁴ The three countries also have some of the highest rates of femicide, or the gender-motivated killing of women and girls, in the world, and rates have risen dramatically over the past several years. In El Salvador, a woman was murdered every 16 hours in 2015.⁵ In Honduras, gender-based violence is the second leading cause of death for women of reproductive age.⁶ On average, two women are murdered each day in Guatemala,⁷ and the number of women murdered each year has more than tripled since 2000.⁸

The rise of violence in El Salvador, Honduras, and Guatemala is in large part attributable to gangs that have grown increasingly powerful in all three countries.⁹ These gangs employ brutal forms of violence to maintain control over the territories where they operate. Gangs dominate urban areas of El Salvador,

Honduras, and Guatemala and have increased their presence in rural and semi-urban areas in recent years, leaving children and youth in these areas vulnerable to gang violence.¹⁰ This intensified gang violence has a particularly severe impact on women and children, who are vulnerable to sexual and gender-based violence within their homes and neighborhoods, and find little hope of receiving protection or justice from the state.

Rates of SGBV in El Salvador, Honduras, and Guatemala are extremely high, and in the vast majority of cases, violence goes unreported and unpunished. When victims¹¹ of SGBV live in gang-controlled areas or when perpetrators have gang affiliations, crimes are even more likely to result in impunity. Many victims do not report violence because they do not trust authorities or because they know that doing so will put them, and their families, at greater risk of retaliation by gangs. Those few who do report violence confront the unwillingness or inability of the state to provide either protection or justice. With no place to turn, many of these women and children are forced to flee their country to save their lives. Whether they ultimately reach Mexico, the United States, or any other country, they need—and in many cases should qualify for—refugee protection.

**[Pages 238 - 254 of this Model
Supplemental Filing have been omitted
for concision]**

7. Indigenous Women against Impunity

Challenging discrimination in Guatemala's legal system



Women register at the Rights of Indigenous People's Workshop in Patzité

Guatemala signed a peace accord in 1997, after 36 years of conflict. But the legacy of violence continues to haunt its population, especially indigenous people and women, who face ethnic and gender-based discrimination. A culture of impunity dominates the government's legal system. Only 3 per cent of violent deaths are ever investigated. Violence, especially violence against women, is escalating. Indigenous people in Guatemala have their own traditional justice system, which operates alongside that of the state, although not on an equal legal footing. This paper looks at the relative successes of traditional conflict-resolution mechanisms, and examines how indigenous women are using Indigenous People's Defence Organisations to seek justice.

Introduction

Guatemala suffered from almost four decades of armed conflict, which ended in a peace accord in 1997. During this time, more than 200,000 people were killed or disappeared. Most were civilians, and 83 per cent were indigenous people.¹ The legacy of this violence continues today. Social relationships are characterised by aggression and violence, and the government is directly or indirectly responsible for many different kinds of abuses. The country ranks 118th out of 177 in the latest United Nations Human Development Report. More than half the population lives in poverty, and 15.6 per cent in extreme poverty.²

United Nations Human Rights High Commissioner, Louise Arbour, described Guatemala as 'one of the most violent countries in the region'.³ Since 2001, violent homicides have increased by 120 per cent.⁴ In 2007, there were more than 5,000 violent deaths. Firearms were used in 80 per cent of cases. There are two million individual firearms in a country of 13 million people, reflecting the general climate of insecurity.

Indigenous people, who make up 42 per cent of the population, are considered second-class citizens and face some of the most serious discrimination and abuse. Seventy-five per cent live in poverty, compared with 38 per cent of the non-indigenous populations.⁵ Forty-eight per cent are illiterate, compared with 30 per cent of the non-indigenous population. For indigenous women, illiteracy is higher, at 65 per cent.⁶

Women in particular face violence, discrimination, and oppression: Guatemala is 127th out of 156 in the most recent United Nations Gender Development Index. Although the country has a legal framework of 14 documents specifying the protection of women's rights, belief in the superiority of men over women, coupled with traditional social practices, lead to many injustices and human-rights violations against women, especially indigenous women.⁷

Guatemala has the highest rate of women homicides in the Americas and the fifth in the world.⁸ Between 2000 and 2007, almost 4,000 women were murdered. In most of these murders, the criminal's rage is unmistakable, as victims are often raped and sexually assaulted. Bodies with these characteristics appear daily in ravines, on the street, in desolate places, or in the victim's own home.⁹ Every two days, a young girl dies a violent death, 80 per cent of them sexually assaulted. Two per cent are under the age of five.¹⁰

A culture of impunity

Despite the high levels of crime and homicide, few criminals are brought to justice. Ninety-seven per cent of homicides are not investigated; a figure that glaringly demonstrates the degree of impunity that exists in the country. In addition to protecting criminals, impunity encourages crime as a way to solve problems and conflicts through violent means, individually or collectively through lynching.

'Where impunity is the rule for past violations, it should come as no surprise that it also prevails for current crimes', says Louise Arbour.¹¹ Angie Hougas of Amnesty International explains: 'Impunity sends the message that ill treatment and torture of people will be tolerated. It denies victims justice and it erodes public confidence in its judicial system. It is a breakdown in the judicial system; it affects our outlook and undermines our trust in the whole criminal justice process. The effect of this is, it impedes the path to peace and respect for human rights, human worth and human dignity'.¹²

The inability and inefficiency of the Guatemalan system in delivering justice has resulted in high levels of frustration among the general population, which leads to apathy. The United Nations in Guatemala estimates that 75 per cent of crimes are not reported, mostly because victims consider that 'it is not worth it', or because they are afraid of retaliation.¹³

These are the consequences of a centralised, bureaucratic model which is slow, expensive, and has insufficient coverage; a system which abandons the victims and repeatedly violates due process.¹⁴ The police force and other authorities of justice are frequently accused of corruption, extra-judicial executions, torture, abuse of authority, negligence, and discrimination. No administrative or judicial action is taken against them so far, which in turn protects them and encourages impunity on behalf of the very institutions that should be fighting it.

'The institutional collapse in the distribution of justice is not due to a lack of material and qualified human resources. The magnitude of impunity in Guatemala is the result of the State's inability to purge clandestine groups from within these institutions which have been controlling them since the armed conflict and have the power to neutralise them', says Carlos Castresana, Director of the International Commission Against Impunity in Guatemala.¹⁵

The official justice system in Guatemala is rampant with racism and sexism, and does not adequately address any cases involving indigenous people and women, particularly indigenous women. Indigenous people have even less chance of finding justice than the rest of the population: the system obstructs access to justice and violates human rights through its instruments and legal processes.

**[Pages 258 - 267 of this Model
Supplemental Filing have been omitted
for concision]**

Women ON THE RUN.



FIRST-HAND ACCOUNTS OF REFUGEES FLEEING
EL SALVADOR, GUATEMALA, HONDURAS, AND MEXICO

A Study Conducted by the United Nations High Commissioner for Refugees





© 2015 UNHCR

FOREWORD

Today the world is witness to a global refugee crisis of proportions not seen since World War II. But while most of the international media attention is on the refugees arriving in Europe – from countries such as Syria, Iraq, and Afghanistan – there is another protection crisis unfolding in Central America.

Tens of thousands of women – travelling alone or together with their children or other family members – are fleeing a surging tide of violence in El Salvador, Honduras, Guatemala, and parts of Mexico. This report brings their often terrifying stories to life and explains why these women have been forced to flee their homelands.

The more than 160 women interviewed for this report talked about being raped, assaulted, extorted, and threatened by members of heavily-armed, transnational criminal groups. They spoke about their families having to contend with gunfights, disappearances, and death threats. They described seeing family members murdered or abducted and watching their children being forcibly recruited by those groups. With authorities often unable to curb the violence and provide redress, many vulnerable women are left with no choice but to run for their lives.

Fleeing is an ordeal in its own right, and for most women, the journey to safety is a journey through hell. After paying exorbitant fees to unscrupulous “coyotes,” many women are beaten, raped, and too often killed along the way. This is the untold story of many refugees from Central America.

Since 2008, UNHCR has recorded a nearly fivefold increase in asylum-seekers arriving to the United States from the Northern Triangle region of El Salvador, Guatemala, and Honduras. Over the same period, we have seen a thirteenfold increase in the number of requests for asylum from within Central America and Mexico – a staggering indicator of the surging violence shaking the region.

This is not the first refugee crisis the Americas region has faced, but it is nevertheless unique in its complexity. Solving it requires a comprehensive regional approach based on cooperation, responsibility-sharing, and solidarity among all countries affected, to ensure that people in need of protection can have access to it. UNHCR stands ready to support governments in this effort.

António Guterres
United Nations High Commissioner for Refugees

A handwritten signature in black ink, appearing to read "António Guterres".

TABLE OF CONTENTS

Executive Summary and Recommendations	2
Escalating Violence against Women	4
No Safety at Home	4
Fleeing to Find Refuge	6
Recommendations	9
Methodology	12
I. Reasons Women Fled El Salvador, Guatemala, Honduras, and Mexico	15
Direct Harm by Criminal Armed Groups	19
Threats or Attacks after Failure to Pay Extortion Fees	20
Children Recruited and Killed by Criminal Armed Groups	21
Targeted for Suspected or Actual Involvement in Rival Criminal Groups	22
Threats to Police or Government Authorities and Their Family Members	22
Inadequate Protection in Home Countries	23
Severe and Prolonged Domestic Violence	25
Targeted Violence Faced by Transgender Women	27
II. Women as Refugees under International Law	33
International Protection of Refugees in US Law	34
International Protection and Women	35
Domestic Violence as the Basis for International Protection	35
Protecting Families and Children	36
Particular Concerns for LGBTI People Seeking Refugee Status	36
Political Opinion and Violence against Women	38
Religion, Race, and Refugee Status	38
III. Obstacles Women Reported in Seeking International Protection	41
The Journey North	43
Obstacles to Accessing Asylum in Mexico	44
Obstacles to Accessing Asylum in the United States	45
Conclusion	48
Endnotes	50
Acknowledgements	54
UNHCR'S Role in Protecting Women	57



**[Pages 271 - 327 of this Model
Supplemental Filing have been omitted
for concision]**

This site is archived: Visit Context

(https://www.context.news?utm_source=news-trust&utm_medium=redirect&utm_campaign=context&CHECKTHEURLINANEWSITE (https://www.context.news?utm_source=news-trust&utm_medium=redirect&utm_campaign=context&CHECKTHEURLINANEWSITE))

for the latest news and analysis on the three biggest issues affecting people, society and the environment.

Sign up for our [Newsletter](https://surveys.trust.org/members_login?flag=true) (https://surveys.trust.org/members_login?flag=true)

Coronavirus (/coronavirus/) Women (/womens-rights/) LGBT+ (/lgbt/) Climate (/climate/) Economies (/economies/) Technology (/technology/) Slavery (/trafficking/) Cities (/cities/) Land (/land/) More ▾

(/)

FEATURE-Indigenous and female: life at the bottom in Guatemala

by [Ellen Wulffhorst](#) (/profile/?id=003D000001uAJxYIAW) | Thomson Reuters Foundation
Wednesday, 3 May 2017 04:00 GMT

"The poverty in Guatemala affects women most and hardest, especially indigenous women."

By Ellen Wulffhorst

TECPAN, Guatemala, May 3 (Thomson Reuters Foundation) - An indigenous woman in Guatemala is more likely than all her fellow citizens to be sick, illiterate, poor and overwhelmed by too many unplanned children.

That's if she's not dead already.

Nearly half the population is indigenous in Guatemala, Central America's biggest economy, but they do not share in its fortunes. Indigenous women in particular are pushed aside and suffer racism and violence, campaigners say.

"We are discriminated against one, because we are poor, second, because we are indigenous and because we are women," Victoria Cumes Jochola, coordinator of Nuestra Voz, or Our Voice rights group, told the Thomson Reuters Foundation.

Some eight million indigenous people live in Guatemala, most descendants of the Mayan civilization that once dominated Central America.

Four in five are poor, and they are nearly three times as likely to live in extreme poverty than others in the country, according to the World Bank.

They earn less money than non-indigenous people, more often working in informal jobs picking crops or selling street food.

Their life expectancy is 13 years shorter, and the maternal mortality rate more than twice as high. They often speak one of more than 20 native languages rather than Spanish.

SCHOOL'S OUT FOREVER

Indigenous women are less likely to finish school, like Maria Francisa Gonzalez, who left after three years of primary school and lives in Tecpan, in Guatemala's highlands.

At age 43, she is nursing her 11th child, a newborn boy, as one of her granddaughters hides in the folds of her skirt.

"He was a surprise," she said, speaking softly in the Kaqchikel language. Her husband is a farm worker.

FEATURE-Kept in the dark about sex, girls in Guatemala suffer consequences (<http://news.trust.org/item/20170503040749-1vdcz/>)

One in three indigenous women has no access to health and family planning services, according to WINGS, a reproductive rights organization in Guatemala.

The vast majority of indigenous children are chronically malnourished, and most suffer stunted growth.

Native communities celebrate the birth of boys but not girls, said Debora Cobar, country director for Guatemala for Plan International, a children's rights group.

"Girls are not seen (as) worth it," she said.

Repressed for centuries following the Spanish conquest, indigenous people accounted for more than 80 percent of the 200,000 people killed in Guatemala's lengthy civil war that ended in 1996, according to the United Nations-backed Truth Commission, which investigated human rights violations.

Rape was a lethal weapon in "scorched earth" warfare, it said.

"Indigenous populations and particularly indigenous women bore the brunt of the conflict," said Sarah Taylor, a women's rights advocate at Human Rights Watch.

Successive governments, often wracked with corruption, have done little to find justice or economic power for indigenous women, activists say.

FACTBOX-Ten facts on Central America's most populous country - Guatemala (<http://news.trust.org/item/20170503040849-sdz8j/>)

"The poverty in Guatemala affects women most and hardest, especially indigenous women," said Antonia Batz, 40, a midwife in Tecpan.

"Each day we are poorer and poorer," she said.

Violence can escalate to femicide - the nation has one of the highest rates in the world - with at least two women violently killed every day, according to the United Nations.

Authorities may offer little support, said a 23-year-old indigenous woman at Center Casa de la Mujer, an organization for victims of gender-based violence in the town of Solola.

She was harassed by a man who threatened to harm her and her family. Prosecutors, reluctant to help, are proposing a conciliation meeting so he will stop his threats, she said.

"The laws are there, but they tell women they should not go (and) present a claim," she said, preferring not to disclose her name. "That's what women need to do. They should be brave."

Indigenous women often hide their heritage, said Eleanor Unsworth, programs director at WINGS.

"If you ask someone 'Are you indigenous?', she may be sitting in a very traditional outfit, she may not speak Spanish, and she may say, 'No, I'm not indigenous,' and get offended," Unsworth said.

"It goes along with a lot of stigma here."

But Maria Guitz, a 73-year old Mayan waiting to see a doctor at a Guatemala City clinic, said she suffered no discrimination.

She has worked as a domestic all her life, since fleeing an abusive father in the countryside. She never went to school and can neither read nor write.

"Being an indigenous woman is very important and respected in society because of our numbers," she told the Foundation through an interpreter. "We have a status in society."

That said, Guitz said she did not want her employers of 30 years to know she was taking time off to visit a doctor.

It is the best job she has ever held, she said.

(Reporting by Ellen Wulfhorst, editing by Lyndsay Griffiths. Please credit the Thomson Reuters Foundation, the charitable arm of Thomson Reuters, that covers humanitarian news, women's rights, trafficking, property rights, climate change and resilience. Visit <http://news.trust.org>)

MIGRATION &
ASYLUM LAB

2023



GUATEMALA

COUNTRY CONDITIONS BULLETIN

BY ANA MINIAN, ELLIOTT YOUNG, STEPHEN
PITTI, AND KATHERINE WACKETT



The Migration and Asylum Lab seeks to inform immigration courts about country conditions in Latin America through the use of the most up-to-date and rigorous research on issues relevant to asylum cases. The scholars involved in the lab are supremely qualified to provide current and dependable information on country conditions in the context of asylum proceedings. They include political scientists, data analysts, historians, and international relations scholars. They have decades of experience in their field and are widely recognized for their work, which includes peer-reviewed books published by university presses and articles in the top academic journals.

The Lab's mission is to provide thorough, dependable country conditions information to help adjudicators to make well informed decisions as to the merit of claims for asylum protection. Our role as expert witnesses is not to act as advocates, but rather to conduct impartial analysis of country conditions based on a wide range of sources, including academic scholarship, government and non-government reports, and media reporting from inside the country and the international press.

Copyright © 2023 Migration and Asylum Lab
All rights reserved.

GUATEMALA

2023 Country Conditions Bulletin

1. <u>Chapter One: Guatemala Country Profile</u>	4
a) Rates of Homicide, Femicide and Impunity	
b) History	
c) Current Security Situation	
d) Current Political Situation	
e) Regional Violence by State	
2. <u>Chapter Two: Gang Violence in Guatemala</u>	12
a) Overview	
b) Gang Resisters	
c) Police as Gang Targets	
d) Gangs Target Religious Guatemalans and the Church	
e) Extortion	
f) Ineffective Witness Protection in Guatemala	
g) Impossibility of Relocation	
3. <u>Chapter Three: Corruption of State Authorities in Guatemala</u>	25
a) Overview	
b) Political Corruption and Electoral Violence	
c) Police Violence and Corruption	
4. <u>Chapter Four: Gender-Based Violence in Guatemala</u>	34
a) Overview	
b) Widespread Impunity for Perpetrators of Domestic Violence	
c) Violence Towards Indigenous Women in Guatemala	
d) Sexual Abuse of Children	
e) Impossibility of Relocation	

5. <u>Chapter Five: Persecution of Indigenous Guatemalans</u>	46
a) Historical Persecution of Indigenous Guatemalans	
b) Continued Persecution of Indigenous Guatemalans	
6. <u>Chapter Six: LGBT and HIV-Positive in Guatemala</u>	51
a) Overview	
b) Police Fail to Protect LGBT Individuals	
c) LGBT Individuals Targeted by Gangs in Guatemala	
d) Societal and Legislative Discrimination	
e) Specific Risks and Stigma Towards Transgender Individuals	
f) Risks to HIV-Positive Guatemalans	
g) Conclusion	
7. <u>Chapter Seven: Standard of Living and Public Services in Guatemala</u>	59
a) Healthcare	
b) Mental Health	
c) Education	
d) Wages and Standard of Living	

Chapter One: Guatemala Country Profile

Rates of Homicide, Femicide and Impunity

2022 Official Homicide Rate: 17.3 per 100,000 (Pop. 17,109,746)

- Diálogos Observatorio de Violencia publishes annual reports compiling homicide data from the National Civil Police in Guatemala. In their latest report, published in August 2023, Diálogos registered 1,657 homicides by the start of August.¹
- 3,004 homicides registered in Guatemala in 2022, a 5.7% rise from the 2,843 registered in 2021 by the Guatemalan government's Center for National Economic Research (Centro de Investigaciones Económicas Nacionales - CIEN).
- Source: InSight Crime Yearly Homicide Round-Up (released every February) Also gives basic info by country about reasons for spikes/drops in homicide rates and new criminal actors.²

Impunity for Homicides

- 95% impunity rate (2017) as reported by the now defunct Comisión Internacional Contra la Impunidad en Guatemala (CICIG).³
- Further information on cases of impunity in Guatemala can be found at the committee's archived website.⁴

Femicides: 1.6 per 100,000 women.⁵ (Rate of violent deaths of women is higher- UN Women found the rate of violent deaths among women to be 9.7 per 100,000 in 2013.⁶)

- In 2022, Guatemalan think tank CIEN (Centro de Investigaciones Económicas Nacionales) registered 624 violent deaths of women and 157 femicides, which the

¹ Marco Robles, Carlos Mendoza, and Gabriela Morales, "Información sobre la violencia homicida en Guatemala," Observatorio de la Violencia Diálogos, Aug. 2023, <https://dialogos.org.gt/wp-content/uploads/2023/08/Informe-Homicidios-julio-2023.pdf>

² "Insight Crime's 2022 Homicide Round-Up," Insight Crime, Feb. 8 2023, <https://insightcrime.org/news/insight-crime-2022-homicide-round-up/#Guatemala>.

³ Steven Dudley, "Homicides in Guatemala: Collecting the Data," InSight Crime, April 20, 2017, <https://insightcrime.org/investigations/homicides-in-guatemala-collecting-the-data/#ftn1>.

⁴ Comisión Internacional Contra la Impunidad en Guatemala, Archivo histórico de la CICIG hasta el 3 de septiembre 2019, <https://www.cicig.org/>.

⁵ "Comunicado de Prensa: Hablemos de Femicidio," CIEN, Feb. 22, 2023, <https://cien.org.gt/index.php/comunicado-de-prensa-hablemos-de-femicidio/>

⁶ "Guatemala," UN Women: Americas and the Caribbean, <http://lac.unwomen.org/en/donde-estamos/guatemala>.

organization differentiates as the murder of a woman explicitly related to her gender, by a man.⁷

Impunity for Femicides

- In 2022, CIEN reported that since the crime of femicide was officially recognized by the Guatemalan state in 2008, 2,168 femicides have been recorded, with 71% of these crimes remaining in impunity.⁸

Major Criminal Actors:

- Los Huistas
- Maras (MS-13 and Barrio 18)
- Cartel Jalisco Nueva Generación (MX)
- Zetas (MX)
- Sinaloa Cartel (MX)

History

Guatemala has suffered from a violent history since at least the CIA-backed overthrow of its democratically elected president Jacobo Arbenz in 1954. The military ruled directly or through puppet governments since then until 1996 when a peace process demobilized the leftist guerillas. The 36-year civil war in Guatemala provided a fertile breeding ground for the emergence and expansion of criminal activity, where small family-run gangs of human traffickers and drug smugglers cropped up in border areas. These operations were able to operate freely in collusion with security forces (military and police), who also took advantage of these illegal networks.⁹ According to the official report of the Commission for Historical Clarification, during the Civil War from 1960-1996, 200,000 people were killed in a bloody civil war that targeted mainly indigenous people. The Commission found that 93% of the killings were committed by state forces and paramilitary groups associated with the state.¹⁰ Although the peace process officially ended the civil war, Guatemalan society continues to be wracked by violence perpetrated by state forces and increasingly by drug trafficking cartels and gangs that operate throughout Central America and Mexico.

⁷ "Comunicado de Prensa: Hablemos de Femicidio," CIEN, Feb. 22, 2023, <https://cien.org.gt/index.php/comunicado-de-prensa-hablemos-de-femicidio/>.

⁸ "71% of murders of women in Guatemala go unpunished," *Infobae*, March 23, 2022, <https://www.infobae.com/en/2022/03/23/71-of-murders-of-women-in-guatemala-go-unpunished-2/>.

⁹ Laura Sanz-Levia; Fernando Jimenez-Sanchez, "Breaking democracy: illegal political finance and organized crime in Guatemala," *Crime, Law and Social Change* 75, no. 1 (January 2021): 25.

¹⁰ Commission for Historical Clarification, *Guatemala, Memory of Silence: Report of the Commission for Historical Clarification* (Guatemala: Commission for Historical Clarification, 1996), 20.

Current Security Situation

The U.S. State Department lists Guatemala's crime situation as "critical" and in its 2022 Security Report concluded, "Guatemala's high murder rate is driven by narcotrafficking activity, gang-related violence, a heavily armed population, and a law enforcement and judicial system unable to hold criminals accountable." This same report notes that state authorities, including the police and military, are unwilling or unable to combat drug trafficking and gang violence.¹¹ The 2022 State Department report (published in 2023) on human rights in Guatemala indicates that the situation has not shown any improvement in terms of gang-related killings and corruption among police and the judiciary.¹² In 2022, the country recorded 3,004 homicides, a 5.7% rise from the 2,843 registered the year prior, for a rate of 17.3 per 100,000 people. Civil society groups such as the Mutual Support Group (GAM) argue that government data is faulty and recorded 3,609 homicide victims for 2022, noting a 7% rise in homicides from January to October 2022 compared to the same period in 2021. GAM's findings also revealed a spike in the number of murder victims who showed signs of torture, from 104 in all of 2021 to 164 in the first 10 months of 2022.¹³ Extreme violence also appeared to be on the rise in 2021; the number of torture victims in 2021 nearly doubled from 2020.¹⁴

The Overseas Security Advisory Council (OSAC) at the State Department wrote in its 2022 Report that "Guatemala remains among the most dangerous countries in the world. Endemic poverty, an abundance of weapons, a legacy of societal conflict, and the presence of organized criminal gangs like Barrio 18 (18th Street) and Mara Salvatrucha (MS13) all contribute to violent crime."¹⁵ To give a sense of comparison, the US murder rate throughout the last decade has hovered around 5 per 100,000, although since 2020 has increased to 6-7 per 100,000. Organized crime in Guatemala includes gangs and cartels, but other private and state actors also operate throughout the country. According to *Insight Crime*, "criminal elements of Guatemala's military and intelligence apparatus are collectively named the Illegal Corps and Clandestine Apparatus (Cuerpos Ilegales y Aparatos Clandestinos de Seguridad- CIACS)," indicating the level of criminal infiltration within the state's security

¹¹ OSAC, "Guatemala Country Security Report," Aug. 15 2022, <https://www.osac.gov/Country/Guatemala/Content/Detail/Report/2013f384-296b-4394-bfcf-1c9c40b9c7df>

¹² United States Department of State, "Guatemala 2022 Human Rights Report," https://www.state.gov/wp-content/uploads/2023/03/415610_GUATEMALA-2022-HUMAN-RIGHTS-REPORT.pdf

¹³ "Insight Crime's 2022 Homicide Round-Up," *Insight Crime*, Feb. 8 2023, <https://insightcrime.org/news/insight-crime-2022-homicide-round-up/#Guatemala>

¹⁴ "Insight Crime's 2021 Homicide Round-Up," *Insight Crime*, Feb. 1 2022, <https://insightcrime.org/news/insight-crimes-2021-homicide-round-up/>.

¹⁵ OSAC, "Guatemala Country Security Report," Aug. 15 2022, <https://www.osac.gov/Country/Guatemala/Content/Detail/Report/2013f384-296b-4394-bfcf-1c9c40b9c7df>.

**[Pages 340 - 394 of this Model
Supplemental Filing have been omitted
for concision]**



[Home](#) / [Latest](#) / [Stories and Blogs](#) / Count me in: Working together for disability inclusion in Guatemala

Action 2030 Blog

Count me in: Working together for disability inclusion in Guatemala

03 December 2021



Caption: The organization "Mujeres con Capacidad de Soñar a Colores" during one of their awareness-raising performances.

Photo: © Diana Alvarado (@alvaradodii) and Mujeres con Capacidad de Soñar a Colores

"Persons with disabilities are capable and equal. It is time the world understands that," says Antonio Palma, a UN Volunteer at the Resident Coordinator's Office in Guatemala.

Antonio, who has a visual impairment, expresses what many other persons with disabilities feel. Ignored, mistreated, misunderstood, underestimated, condescended to.

People with disabilities are diverse, and they experience exclusion and marginalization in different ways and to different degrees.

About 1 in 10 Guatemalans has a disability. That's one out of every ten neighbours, friends, relatives, co-workers, passers-by, or distant strangers.



Caption: Indigenous Guatemalan woman with physical disability.

Photo: © Huayra Bello (@huaybello) and Mujeres con Capacidad de Soñar a Colores

You might think that ten per cent of the population would get some recognition. But the country has little data on persons with disabilities, making them less visible in public policy and often left with little or no access to basic services in health, education, work, among other areas.

Some people might think that providing such services is a charitable gesture. What that perspective ignores is that persons with disabilities are people, and as such they have human rights. Fulfilling the human rights of persons with disabilities requires certain steps so that they can participate and be fully included in society.

The UN Country Team (UNCT) in Guatemala recognizes this basic principle. We are a proud pioneer of the Disability Inclusion Strategy of the Secretary General and a two-time implementer of the [United Nations Partnership on the Rights of Persons with Disabilities](#).

To advance our work in this area, we at the UNCT in Guatemala recently conducted an in-depth analysis of disability inclusion in the country. Through interviews, focus groups, and surveys, we identified some concrete gaps and challenges, for example in terms of the legal and public administration system. Our ultimate goal: end exclusion and leave no one behind.

Here's what we found, and what we're doing about it.

- **DATA:** Persons with disabilities are not consistently included and counted in mainstream data collection. This hampers access to important information about the quality and access of persons with disabilities to key services, thus leading them to be further excluded from already precarious social protection systems for example. To help correct this situation, the UNCT in Guatemala will, in the next two years, will support measures to create a national database of persons with disabilities and how mainstream data is gathered and utilized.
- **RESOURCES:** The National Council for the Attention of Persons with Disabilities (CONADI) has a mandate to implement the Convention on the Rights of Persons with Disabilities. But their budget is very limited so the

UNCT provides additional training to boost the capacity of organizations of persons with disabilities to help ensure they can support CONADI and lead the way on inclusion.

- **PRACTICES:** The more that the many forms of exclusion and discrimination are rooted out, the more room is made for the positive inclusion of persons with disabilities. With this aim, the team in Guatemala supported the creation of the first Consultative Council of Organizations of Persons with Disabilities bringing the urban and the rural together, with a gender focus. The Council, once operationalized in 2022, will vet all projects and programmes of the UN System in Guatemala to ensure inclusion and accessibility.
- **COMMUNICATIONS:** Noting the importance of persons with disabilities advocating for their rights, the UN Team in Guatemala launched a fifteen-day [communications campaign #YoMeSumo](#) prior to the International Day of Persons with Disabilities 2021. Each day of the campaign features the story of a Guatemalan with disability and how they are advocating for their rights. [See all the videos on our YouTube channel.](#)



Caption: The Asperger's Association of Guatemala takes part in the #YoMeSumo campaign.

Photo: © The Asperger's Association of Guatemala

The UN Team in Guatemala believes in leading by example. Having recently signed our first UNCT-wide non-discrimination declaration, all 22 members now encourage persons with disabilities to apply in their job vacancy announcements and have adopted the practice of hiring personnel with disabilities. In 2021, the UN Team provided additional training on disability inclusion to staff to create a more inclusive and welcoming environment. To this end, the UN Guatemala carried out a review of employment practices and office accessibility, and adopted a Manual on Accessible Communication.

In all these efforts, the UN Team is fostering collaboration between the UN, government, and persons and organizations of persons with disabilities.

Antonio Palma, the UN Volunteer mentioned above, has long dreamed of working at the world's most influential human rights organization. He is excited to help shift perceptions about persons with disabilities in Guatemala from within the UN by using strategic and inclusive communication.

Working together, we may increase inclusion and unity. Antonio Palma offers his vision for building unity: "All Guatemalans are one, regardless of any differences."

Adds the UN Resident Coordinator in Guatemala, [José Miguel Barreto](#):

"COVID-19 has taught us yet again that we all need one another. The world is more beautiful, more secure, and more just when everyone is included, including persons with disabilities. Each one of us can do something to make that happen."

Written by Peride Blind, Strategic Planning officer/RCO Team Leader, UNCT in Guatemala, with editorial support by Paul VanDeCarr, Development Coordination Office. To learn more about the work of the UNCT in Guatemala, visit: <https://guatemala.un.org/>.

Latest news and updates



Story

09 February 2024

**Shattering the Glass Ceiling:
UN Initiatives Celebrate Girls
in Science**

Story

06 February 2023

**UN agencies launch
emergency response after
devastating Türkiye and Syria
quakes**

Story

12 July 2022

**Strength
services
COVID-1**

1 / 3

UNSDG

The UNSDG guides, supports, tracks and oversees the coordination of development operations in 162 countries and territories.

Subscribe to our newsletter

Email

[Subscribe](#)

UN in Action



Resources



The UNSDG has a strengthened coordination system that works at a country, regional and global level.

Explore and easily find UNSDG publications.

2030 Agenda



Jobs



UN teams are now better enabled to support countries to achieve the 2030 Agenda for Sustainable Development.

Learn about employment opportunities across the UNSDG.

UNSDG Contact



Report Wrongdoing



Visitors can send general inquiries to the communications team.

The UN takes all reports of possible wrongdoing seriously. Anyone with information is strongly encouraged to report the matter.

© Copyright 2024 United Nations Sustainable Development Group



UNITED NATIONS

[Contact](#)

[Copyright](#)

[Fraud Alert](#)

[Privacy Notice](#)

[Site Index](#)

[Terms of Use](#)

[Documents Omitted]

CERTIFICATE OF SERVICE

In Re:
Carmen PEREZ FUENTES
Eric PEREZ FUENTES

File Nos.:
A 123-456-789
A 123-456-780

I, Larry Lawyer, hereby certify that on 01/01/2025, I filed the foregoing RESPONDENT'S SUPPLEMENTAL DOCUMENTS IN SUPPORT OF APPLICATIONS FOR ASYLUM, and any attached documents via ECAS, which will complete service on opposing counsel in the Department of Homeland Security. *See* IMMIGRATION COURT PRACTICE MANUAL, Chapter 3.2(a) (1).

/s/ Larry Lawyer

Larry Lawyer

01/01/2025

Date

Model Witness List

Larry Lawyer (CA Bar # 999999)
Law Firm
101 Office Street
Los Angeles, CA 90011
Telephone: 888-888-8888
Email: larrylawyer@lawfirm.com
***Pro bono* counsel for Respondent**

NOT DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA**

In the Matter of:)
Carmen PEREZ FUENTES) File No: A 123-456-789
Eric PEREZ FUENTES) A 123-456-780
In Removal Proceedings)

)

Immigration Judge: Hon. John Judge **Individual Hearing: Dec. 25, 2025**

RESPONDENTS' WITNESS LIST

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA

In the Matter of:)	
)	
Carmen PEREZ FUENTES)	File No.: A 123-456-789
Eric PEREZ FUENTES)	A 123-456-780
)	
In Removal Proceedings)	
)	

RESPONDENTS' WITNESS LIST

Respondents Carmen Perez Fuentes and Eric Perez Fuentes, through undersigned *pro bono* counsel, file this Witness List in compliance with Immigration Court Practice Manual rules 3.1(b)(ii)(A) and 3.3(g). Respondents intend to call the following witnesses in support of their applications for Asylum, Withholding of Removal and the Convention Against Torture. Respondents reserve the right to call any witnesses identified by the Department of Homeland Security (“DHS”) and additional witnesses as necessary to rebut testimony presented by DHS at Respondents’ individual hearing:

1) Carmen Perez Fuentes, Lead Respondent

- a) Language of Testimony: K'iche'
- b) Estimated length of direct examination: 1 hour
- c) Summary of testimony: Respondent will testify about the persecution she faced in Guatemala due to her race, political opinion, and membership in related Particular Social Groups. She will also testify about dangers she faced in Mexico, and her fear of future persecution, should she be forced to return to Guatemala.

2) Daniel Perez Fuentes, Respondent's Brother (A# 987-654-321)

- a) Language of Testimony: K'iche'
- b) Estimated length of direct examination: 20 minutes

- c) Summary of testimony: Daniel Perez Fuentes was present during many instances of persecution against the lead Respondent and was himself targeted by the same persecutors. He has been granted asylum in the United States. He will testify to his firsthand knowledge of these events as they relate to the lead Respondent's claim.

3) Emma Expert, PhD, Country Conditions Expert:

- a) Language of Testimony: English
- b) Estimated length of direct examination: 30 minutes
- c) Summary of testimony: Ms. Expert is an expert in violence against Indigenous groups in Guatemala. She will testify regarding the dangers that Indigenous individuals face in Guatemala and explain how the Respondents' experiences in Guatemala are consistent with those of other Indigenous persons in Guatemala.

4) Deborah Doctor, M.D., Medical Expert:

- a) Language of Testimony: English
- b) Estimated length of direct examination: 30 minutes
- c) Summary of testimony: Deborah Doctor is a medical doctor and an expert in the medical sequelae of trauma. Dr. Doctor will testify to her observations and diagnoses made in her medical examination of the lead Respondent, the causes of the medical conditions the lead Respondent suffers, and the likelihood that the lead Respondent's health would deteriorate if she were returned to Guatemala.

Respectfully Submitted,

Dated: 01/01/2025

/s/ Larry Lawyer
Larry Lawyer, Esq.
Law Firm
Pro bono Counsel for Respondents

CERTIFICATE OF SERVICE

In Re:
Carmen PEREZ FUENTES
Eric PEREZ FUENTES

File Nos.:
A 123-456-789
A 123-456-780

I, Larry Lawyer, hereby certify that on 01/01/2025, I filed the foregoing RESPONDENT'S WITNESS LIST, and any attached documents via ECAS, which will complete service on opposing counsel in the Department of Homeland Security. *See* IMMIGRATION COURT PRACTICE MANUAL, Chapter 3.2(a)(1).

/s/ Larry Lawyer

Larry Lawyer

01/01/2025

Date

Model Motion to Permit Remote Testimony

Larry Lawyer (CA Bar # 999999)
Law Firm
101 Office Street
Los Angeles, CA 90011
Telephone: 888-888-8888
Email: larrylawyer@lawfirm.com
***Pro bono* counsel for Respondent**

NOT DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA**

In the Matter of:)
Carmen PEREZ FUENTES) File No: A 123-456-789
Eric PEREZ FUENTES) A 123-456-780
In Removal Proceedings)

)

Immigration Judge: Hon. John Judge Individual Hearing: Dec. 25, 2025

RESPONDENTS' MOTION TO PERMIT REMOTE TESTIMONY

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LOS ANGELES IMMIGRATION COURT
LOS ANGELES, CALIFORNIA

In the Matter of:)	
)	
Carmen PEREZ FUENTES)	File No.: A 123-456-789
Eric PEREZ FUENTES)	A 123-456-780
)	
In Removal Proceedings)	
)	

RESPONDENTS' MOTION TO PERMIT REMOTE TESTIMONY

Respondents Carmen Perez Fuentes and Eric Perez Fuentes (“Respondents”), through undersigned *pro bono* counsel, respectfully move the Court to permit remote testimony of the following witnesses who cannot be present in person at the individual merits hearing for the reasons listed below:

1. **Emma Expert**, Country Conditions Expert, serves as Principal Research in the Migration Laboratory at the University of Jefferson. She focuses her research in part on violence in Indigenous Mayan communities in Guatemala. She has submitted an expert report and curriculum vitae. Ms. Expert's testimony will last approximately 20 minutes. Ms. Expert cannot appear in Court because he lives in Jefferson and is unable to travel to California for the purposes of the merits hearing. Mr. Expert can appear via WebEx and can be reached at emmaexpert@university.edu or 777-777-7777.

2. **Deborah Doctor**, Medical Expert, is Clinical Assistant Professor and Residency Program Director at Lincoln School of Medicine, Department of Family Medicine. She is trained in forensic evaluation and is an expert in medical sequelae of trauma. She conducted a medical examination of the lead Respondent, and submitted an affidavit and her curriculum vitae. Her testimony will last approximately 30 minutes. Dr. Doctor cannot appear in court because of professional obligations which prohibit her from traveling on the date of the hearing. Dr. Doctor can appear via WebEx and can be reached at (101)-101-1001.

Dated: 01/01/2025

Respectfully submitted,

/s/ Larry Lawyer

Larry Lawyer, Esq.

Law Firm

Pro bono Counsel for Respondents

CERTIFICATE OF SERVICE

In Re:
Carmen PEREZ FUENTES
Eric PEREZ FUENTES

File Nos.:
A 123-456-789
A 123-456-780

I, Larry Lawyer, hereby certify that on 01/01/2025, I filed the foregoing RESPONDENT'S MOTION TO PERMIT REMOTE TESTIMONY, and any attached documents via ECAS, which will complete service on opposing counsel in the Department of Homeland Security. *See* IMMIGRATION COURT PRACTICE MANUAL, Chapter 3.2(a)(1).

/s/ Larry Lawyer

Larry Lawyer

01/01/2025

Date