

### Migration Policies in Guatemala 2017-2019

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# IMISEM

EVERY IMMIGRANT IS AN EMIGRANT  
How Migration Policies Shape  
the Paths to Integration

IMISEM CASE REPORT  
Migration Policies in  
**Guatemala**

2017-2019

Coordinated by:


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Pau Palop-García  
So Young Chang

January 2022

# G I G A

German  Institute for Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien

## Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: [www.imisem.info](http://www.imisem.info) as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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## About IMISEM

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” \* two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

## The IMISEM case sample

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

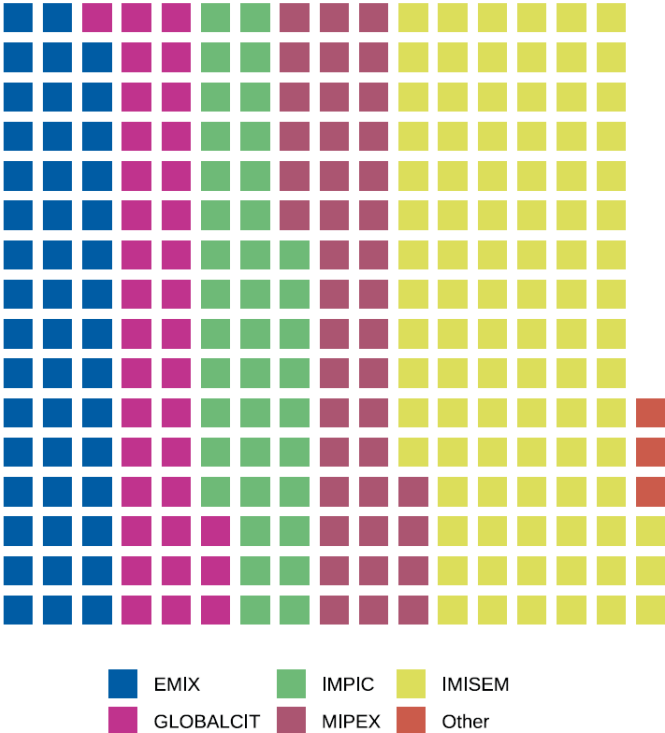
## About the IMISEM Questionnaire

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

## Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

**Answer:** this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

**Code:** this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

**Explanation:** this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

**Sources:** this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

## Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[ ]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

## **Varieties of Standard English**

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

## **Contact**

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: [lpedroza@colmex.mx](mailto:lpedroza@colmex.mx) or find us through our ORCID numbers:

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# 1. Emigration policies

---

## 1.1. General

### **EMIGRATION\_1: The attempt to leave the country is punishable by law.**

Answer: No

Code: 1

Explanation: Article 26 of the Constitution establishes that all Guatemalan nationals have the freedom to enter, remain, transit and leave the national territory and change their domicile or residence.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala], 1985. Art. 26.

### **EMIGRATION\_2: Exit fees.**

#### **Prospective emigrants need to pay a fee before emigrating.**

Answer: No

Code: 1

Explanation: No provision for a payment or deposit in main regulations.

Sources: Gobierno de Guatemala. “[Instituto Guatemalteco de Migración [Guatemalan Institute of Migration]”. Access date not available. <https://igm.gob.gt/>. / Gobierno de Guatemala. “Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]”. Access date not available. <https://www.minex.gob.gt/>.

#### **Amount of the fee in country of origin currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Amount of the fee in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Prospective emigrants need to make a deposit before emigrating:**

Answer: No

Code: 1

Explanation: No provision for a payment or deposit in main regulations.

Sources: Gobierno de Guatemala. “[Instituto Guatemalteco de Migración [Guatemalan Institute of Migration]”. Access date not available. <https://igm.gob.gt/>. / Gobierno de Guatemala. “Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]”. Access date not available. <https://www.minex.gob.gt/>.

**Amount of the deposit in the currency of the country of origin:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the deposit in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_3: Citizens can only stay abroad for a given maximum of days.**

**Citizens can only stay abroad for a given maximum of days**

Answer: No

Code: 1

Explanation: There is no provision for a maximum length of stay abroad.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 26.

**Maximum number of days that citizens can stay abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 1.2. Documentation

### 1.2.1. Passport

#### **EMIGRATION\_4: Cost of ordinary passport.**

**Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 385.79

Code: 385.79

Explanation: The cost of a passport is 50 USD or 385,79 Quetzales.

Sources: Gobierno de Guatemala. "Requisitos para renovar pasaporte [Requisites to Renew a Passport]". Accessed February 27, 2019. <http://igm.gob.gt/requisitos-para-renovar-pasaporte/>.

**Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 50

Code: 50

Explanation: The cost of a passport is 50 USD or 385,79 Quetzales.

Sources: Gobierno de Guatemala. "Requisitos para renovar pasaporte [Requisites to Renew a Passport]". Accessed February 27, 2019. <http://igm.gob.gt/requisitos-para-renovar-pasaporte/>.

#### **EMIGRATION\_5: Maximum length of procedure to process passport.**

**Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):**

Answer: Yes

Code: 1

Explanation: Normally the passport is issued right away after the application is done. However, there are some exceptions such as Chiquimula, Quetzaltenango o Petén where the procedure takes 10 days.

Sources: Gobierno de Guatemala. "Preguntas frecuentes [Frequently Asked Questions]". Accessed February 27, 2019. <http://igm.gob.gt/preguntas-frecuentes/>.

**Maximum length of procedure to process passport (in days):**

Answer: 1

Code: 1

Explanation: Normally the passport is issued right away after the application is done. However, there are some exceptions such as Chiquimula, Quetzaltenango o Petén where the procedure takes 10 days.

Sources: Gobierno de Guatemala. "Preguntas frecuentes [Frequently Asked Questions]". Accessed February 27, 2019. <http://igm.gob.gt/preguntas-frecuentes/>.

**Maximum length of procedure to process passport (by categories):**

Answer: From 0 to 2 months

Code: 1

Explanation: Normally the passport is issued right away after the application is done. However, there are some exceptions such as Chiquimula, Quetzaltenango o Petén where the procedure takes 10 days.

Sources: Gobierno de Guatemala. "Preguntas frecuentes [Frequently Asked Questions]". Accessed February 27, 2019. <http://igm.gob.gt/preguntas-frecuentes/>.

**EMIGRATION\_6. Renewal of passport from abroad is possible:**

Answer: Yes

Code: 1

Explanation: The interested person must request an appointment to renew his/her passport through the consular website and present himself/herself on the indicated day to the Consular Section with the required documentation (Art. 91 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2017. Art. 91.

**1.2.2. Other requirements**

**EMIGRATION\_7. Local police certificate is necessary to emigrate:**

Answer: No

Code: 1

Explanation: The documents needed to emigrate are a valid passport and corresponding visa depending the destination.

Sources: Gobierno de Guatemala. "Requisitos migratorios para salir del país [Requisites to exit the country]". Accessed February 27, 2019. <http://igm.gob.gt/requisitos-para-salir-del-pais/>.

#### **EMIGRATION\_8. Superior/employer's permission is necessary to emigrate:**

Answer: No

Code: 1

Explanation: The documents needed to emigrate are a valid passport and corresponding visa depending the destination.

Sources: Gobierno de Guatemala. "Requisitos migratorios para salir del país [Requisites to exit the country]". Accessed February 27, 2019. <http://igm.gob.gt/requisitos-para-salir-del-pais/>.

#### **EMIGRATION\_9. Proof of income is necessary to emigrate:**

Answer: No

Code: 1

Explanation: The documents needed to emigrate are a valid passport and corresponding visa depending the destination.

Sources: Gobierno de Guatemala. "Requisitos migratorios para salir del país [Requisites to exit the country]". Accessed February 27, 2019. <http://igm.gob.gt/requisitos-para-salir-del-pais/>.

#### **EMIGRATION\_10. Registration abroad is mandatory.**

Answer: No

Code: 1

Explanation: There is a Registro de Guatemaltecos/as en el Exterior (Register of Guatemalan Abroad) but registration is not mandatory.

Sources: Decreto N° 18-2005 [Decree 18.2005]. 2005.

### **1.3. Quotas and restrictions**

#### **EMIGRATION\_11. Quotas to emigrate based on ethnicity.**

**Quotas to emigrate based on ethnicity exist in the country:**



Answer: No

Code: 1

Explanation: No provision in the main regulation (i.e. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_12: Quotas to emigrate based on income.**

**Quotas to emigrate based on income exist in the country:**

Answer: No

Code: 1

Explanation: No provision in the main regulation (i.e. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_13. Those who are liable for military conscription are allowed to emigrate:**

Answer: No

Code: 0

Explanation: Even though it is a duty of Guatemalans to do military and/or social service, this is not registered as a condition for emigrating in the Constitution or other regulations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

**EMIGRATION\_14: Banned countries for emigration.**

**There are countries that are banned as destination for emigrants:**

Answer: No

Code: 1

Explanation: No banned destinations were found in the main regulations (i.e. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**List of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:**

Answer: No

Code: 1

Explanation: No provision in the main regulation (i.e. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**EMIGRATION\_16. Recipients of state scholarship are banned from emigrating:**

Answer: No

Code: 1

Explanation: The scholarships offer by SEGEPLAN Secretaría de Planificación y Programación de la Presidencia (Secretariat of Planning and Programming of the Presidency) do not include a provision to ban recipients from emigrating. Also it is possible to apply if the applicant has a degree from abroad.

Sources: SEGEPLAN. "Becas convocatorias [Scholarship Calls]" Accessed February 27, 2019. [http://becas.segeplan.gob.gt/becas/listado\\_convocatoria.php?activa=1](http://becas.segeplan.gob.gt/becas/listado_convocatoria.php?activa=1).

#### **EMIGRATION\_17: Ban for specific civil professional groups.**

**There is an emigration ban for specific professional group(s):**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**There is a ban for medical doctors:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**There is a ban for other professions:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_18. The ban can be overcome by a letter signed by a supervisor:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_19. The ban can be overcome by a letter signed by an official authority.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **1.4. Policy incentives**

**EMIGRATION\_20. Existence during 2017 of campaigns to encourage emigration:**

Answer: No

Code: 0

Explanation: No campaigns to encourage emigration found.

Sources: Gobierno de Guatemala. “[Instituto Guatemalteco de Migración [Guatemalan Institute of Migration]”. Access date not available. <https://igm.gob.gt/>. / Gobierno de Guatemala. “Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]”. Access date not available. <https://www.minex.gob.gt/>. / Gobierno de Guatemala. “Ministerio de Cultura y Deportes [Ministry of Culture and Sports]”. Access date not available. <https://mcd.gob.gt/>.

**EMIGRATION\_21. Existence during 2017 of campaigns to discourage emigration:**

Answer: Yes

Code: 1

Explanation: For instance the campaign “Quédate [Stay]” launched by the first lady Patricia de Morales.

Sources: De Morales, Patricia. “Quédate [Stay]”. *YouTube*. Accessed March 8, 2019. [https://www.youtube.com/watch?v=\\_Q7YqM9EYqQ](https://www.youtube.com/watch?v=_Q7YqM9EYqQ).

**EMIGRATION\_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):**

Answer: No

Code: 0

Explanation: Only the Guatemalan state is in charge of immigration process (Guatemalan Migration Institute/General Direction of Migration Guatemala).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 120 and 121.

**EMIGRATION\_23: Emigration lump sum.**

**State of origin pays a lump sum incentive to citizens willing to emigrate:**

Answer: No

Code: 0

Explanation: No such provision found in main regulations (i.e. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Register the amount of the sum in country currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Register the amount of the sum in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.**

Answer: No

Code: 0

Explanation: There is no employment insurance and there are no other employment benefits mentioned that could be maintained abroad.

Sources: Ministerio de Trabajo y Previsión Social. "SELIT Sistema de Estadísticas Laborales de Inspección de Trabajo [Labor Inspection Labor Statistics System]". Accessed February 27, 2019. <http://capaigt.mintrabajo.gob.gt:3000/prestaciones/simple>.

## 1.5. Penalties

### EMIGRATION\_25: Loss of private property.

#### Risk of losing real state in case of emigration:

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### Risk of losing bank accounts in case of emigration:

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

### EMIGRATION\_26: Re-entry ban.

#### Existence of a re-entry ban after residence abroad for nationals by naturalization:

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Art. 26 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 26.

#### Re-entry ban applies after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### Existence of a re-entry ban after residence abroad for nationals by birth:

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Art. 26 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 26.

**Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:**

Answer: No

Code: 1

Explanation: No provision in main regulations (i.e. Art. 26 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 26.

**Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:**

Answer: No

Code: 1

Explanation: Not applicable

Sources: Not applicable

## 1.6. Administration

### EMIGRATION\_28. Existence of institution/agency with competencies for exit and/or emigration:

#### Existence of institution/agency with competencies for exit and/or emigration:

Answer: Yes

Code: 1

Explanation: Guatemalan Institute of Migration or General Direction of Migration Guatemala (Instituto Guatemalteco de Migración/ Dirección General de Migración de Guatemala): subordinated to the ministerial office (despacho ministerial). It is a decentralized unit of the Executive and has exclusive competence for the execution of the Migratory Policy. It is in charge of emigration policy, emigrant policy, immigration policy and immigrant policy. Since the new Decree 44-2016 there is an ongoing transition process to convert the General Direction of Migration within the Ministry of Government to the Guatemalan Institute of Migration. Both names of the institution are used and overlap in different contexts. Article 120-122 Decree 44-2016 establish that the functions of the Guatemalan Institute of Migration, in addition to those regulated in the regulations of this Code and legislation, are among others: (a) Ensuring the rights of migrants. (b) Establish the necessary administrative offices for the care of migrants in the national territory and abroad. (c) Execute the Migration Policy issued by the National Migration Authority.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 120-122.

#### Name of the institution with competencies for exit and/or emigration in original language:

Answer: Instituto Guatemalteco de Migración/ Dirección General de Migración de Guatemala

#### Name of the institution with competencies for exit and/or emigration in English:

Answer: Guatemalan Institute of Migration or General Direction of Migration Guatemala

#### Place in the administrative hierarchy:

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: Subordinated to the ministerial office (despacho ministerial).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 120-122.



## 2. Emigrant policies

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### 2.1. Policies of representation

#### 2.1.1. Electoral rights

##### **EMIGRANT\_1. Voting is mandatory for citizens residing abroad:**

Answer: No

Code: 0

Explanation: Article 13 of the Decree 1-85 (Electoral Law and Political Parties) recognizes the freedom to vote.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007. Art. 13.

##### **Does the country have presidential elections?**

Answer: Yes

Code: 1

##### **Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?**

Answer: No, the country only has a Lower House

Code: 2

#### *Presidential elections*

##### **EMIGRANT\_2. Can non-resident citizens vote in national presidential elections from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: Art. 1 of the Decree 26-2016 modifies the electoral law to recognize the right to vote from abroad in Presidential elections.

Sources: Decreto N° 26-2016 [Decree 26-2016]. 2016. Art. 1.

##### **EMIGRANT\_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?**

Answer: Generally disenfranchise

Code: 0

Explanation: Article 185 of the Constitution establishes that the requirements to be eligible for the offices of President or Vice President of the Republic: Guatemalans of Guatemalan origin who are citizens with rights and over forty years of age may opt for the position of President or Vice President of the Republic. Although formally there is no prohibition of passive electoral rights for non-residents, non-residents cannot register in the electoral roll and are thus not habilitated to be candidates.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 185.

## *Legislative elections*

### Lower house (National Elections)

#### **EMIGRANT\_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?**

Answer: Generally disenfranchise

Code: 0

Explanation: Art. 1 of the Decree 26-2016 modifies the electoral law to recognize the right to vote from abroad only in Presidential elections.

Sources: Decreto N° 26-2016 [Decree 26-2016]. 2016. Art. 1.

#### **EMIGRANT\_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?**

Answer: Generally disenfranchise

Code: 0

Explanation: Art. 162 of the Constitution establishes that the requirements for the office of deputy are being a Guatemalan from origin and be in the exercise of their rights as citizens. Since emigrants do not have the right to vote from abroad for parliamentary elections, it is interpreted that candidacy rights are not granted.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 162.

### Upper house (National Elections)

#### **EMIGRANT\_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Registration*

**EMIGRANT\_8. Registration in the electoral roll for non-resident citizens:**

Answer: Active registration, once-off

Code: 0.67

Explanation: In the last elections, the register was done online with a valid document of identity, also an mobile app was developed for this purpose.

Sources: Decreto N° 1-2019 [Decree 1-2019]. 2019.

*Remote voting*

**EMIGRANT\_9. Voting methods from abroad:**

**Voting methods available to cast votes from abroad - Electronic voting:**

Answer: No

Code: 0

Explanation: This voting method is not available.

Sources: Consultation with expert, Guatemala Consulate in Berlin. June 18, 2019.

**Voting methods available to cast votes from abroad - Proxy voting:**

Answer: No

Code: 0

Explanation: This voting method is not available.

Sources: Consultation with expert, Guatemala Consulate in Berlin. June 18, 2019.

**Voting methods available to cast votes from abroad - Postal voting:**

Answer: No

Code: 0

Explanation: This voting method is not available.

Sources: Consultation with expert, Guatemala Consulate in Berlin. June 18, 2019.

**Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:**

Answer: Yes

Code: 1

Explanation: This voting method is available.

Sources: Consultation with expert, Guatemala Consulate in Berlin. June 18, 2019.

**Voting methods available to cast votes from abroad - Ad hoc polling stations:**

Answer: No

Code: 0

Explanation: This voting method is not available.

Sources: Consultation with expert, Guatemala Consulate in Berlin. June 18, 2019.

*Special representation*

**EMIGRANT\_10: Emigrant special representation.**

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special seats reserved for non-resident candidates in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special seats reserved for non-resident candidates in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### *Remote voting implementation*

**EMIGRANT\_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):**

Answer: yes

Code: 1

Explanation: External voting was implemented in the presidential elections of 2019.

Sources: Tribunal Supremo Electoral. "Voto en el extranjero [Voting Abroad]". Accessed June 10, 2021. <https://elecciones2019.tse.org.gt/voto-en-el-extranjero>.

**EMIGRANT\_12. In case external voting has not been implemented after its adoption, what are the main reasons?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **2.1.2. Regulation of political competition abroad**

### *Party offices in the state of reception*

**EMIGRANT\_13. Offices of political parties are legally allowed abroad:**

Answer: No specific regulation of offices abroad

Code: 0.5

Explanation: Party offices in the state of reception are not regulated in the main regulation for political parties (Decree 1-85).

Sources: Decreto N° 1-85 [Decree 1-85]. 2007.

**EMIGRANT\_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:**

Answer: No

Code: 0

Explanation: No party offices abroad found.

Sources: Desk research.

**EMIGRANT\_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_16. Could external party offices receive public funding from state of origin?**

Answer: No specific regulation

Code: 0.5

Explanation: External political party offices are not regulated in the legislation.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007.

### *Political campaigns*

**EMIGRANT\_17. Electoral campaigns abroad for home elections are legally regulated:**

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: Campaigns abroad are not regulated in the main regulation for political parties (Decree 1-85).

Sources: Decreto N° 1-85 [Decree 1-85]. 2007.

**EMIGRANT\_18. Actual existence of campaigns abroad for home elections:**

Answer: No

Code: 0

Explanation: No evidence of campaigns abroad found.

Sources: Desk research.

### **EMIGRANT\_19. Existence of public funding for electoral campaigns in state of residence:**

Answer: No mention to public funding for campaigns abroad in main electoral regulations

Code: 0.5

Explanation: There is no provision in the regulation of public funding for political campaigning in state of residence.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007.

### *Membership in political parties*

### **EMIGRANT\_20. Emigrant membership to home country political parties:**

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: Yes, i.e. in the statute of the conservative party "Partido de Avanzada Nacional" establishes that, in order to become a member, the only requirement is to be Guatemalan.

Sources: Estatutos Partido de Avanzada Nacional [National Advancement Party Bylaws]. Art. 5.

## **2.1.3. Consultative bodies**

### **2.1.4. Consultative bodies at the national level**

### **EMIGRANT\_21. Existence of a consultative body on emigrant issues:**

Answer: Yes

Code: 1

Explanation: The Consejo Nacional de Atención al Migrante de Guatemala (CONAMIGUA) was created in 2007 by the Decree 46-2007.

Sources: Decreto N° 46-2007 [Decree 46-2007]. 2007.

### **EMIGRANT\_22. The consultation is structural or ad hoc:**

Answer: Structural

Code: 1



Explanation: Consultation is structural: at least once a year (in Guatemala or abroad), and then for any additional occasions by invitation issued by CONAMIGUA (Art. 5 and 5 of Decree 01-2009).

Sources: Acuerdo N° 01-2009 [Agreement 01-2009]. 2009. Art. 4 and 5.

**EMIGRANT\_23. Composition of the consultative body:**

Answer: 0.75

Code: 0.75

Explanation: COMANIGUA is composed of institutional representatives and one main representative of organizations of Guatemalans abroad.

Sources: Acuerdo N° 01-2009 [Agreement 01-2009]. 2009. Art. 6-8.

**EMIGRANT\_24. Who chairs the consultative body?**

Answer: Not specified in regulations

Code: 0

Explanation: It is neither stated in the Ley para el CONAMIGUA, nor in its Reglamento who chairs the Consejo Asesor.

Sources: Decreto N° 46-2007 [Decree 46-2007]. 2007.

**EMIGRANT\_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: No

Code: 0

Explanation: The CONAMIGUA has not right of initiative. No provision in main regulations (e.g. Decree 46-2007).

Sources: Decreto N° 46-2007 [Decree 46-2007]. 2007.

**EMIGRANT\_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: No

Code: 0

Explanation: No right to get a response contemplated in main regulations.

Sources: Decreto N° 46-2007 [Decree 46-2007]. 2007.

## **EMIGRANT\_27. Selection criteria to ensure representativeness**

### **Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 46-2007 [Decree 46-2007]. 2007.

### **Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: 1

Code: 1

Explanation: In terms of including emigrants in different countries. Guatemalan emigrant representatives of organizations abroad can be proposed by the circumscription of each general consulate, and there are specifications about the constituency of the organization and its registry at the consulate, as well as some conditions for the candidates they propose as representative.

Sources: Decreto N° 46-2007 [Decree 46-2007]. 2007.

## *Consultative bodies at the consular level*

### **EMIGRANT\_28. Existence of a consultative body of emigrants at the consular level.**

Answer: No

Code: 0

Explanation: No consultative bodies at the consular level in Guatemala.

Sources: Decreto N° 46-2007 [Decree 46-2007]. 2007.

### **EMIGRANT\_29. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **EMIGRANT\_30. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_31. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_34. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **2.1.5. Funding of emigrant associations**

### **EMIGRANT\_35. Existence of consular support (in kind or financial) to independent emigrant associations**

Answer: No

Code: 0

Explanation: No evidence of consular support for emigrant associations found.

Sources: Gobierno de Guatemala. "Preguntas Frecuentes [Frequently Asked Questions]". Accessed March 5, 2019. <http://www.minex.gob.gt/Preguntas-frecuentes.aspx>.

## **2.2. Economic Policies**

### **2.2.1. Remittances**

#### **EMIGRANT\_36. Government program/strategy to attract remittances from emigrants.**

##### **Existence of a government program to attract remittances from emigrants:**

Answer: Yes

Code: 1

Explanation: "Encuentro con el Migrante", part of the Programa Nacional de Competitividad – Pronacom is a government strategy to encourage investment and foster productive businesses, promoting the use of family remittances in sustainable projects, with the purpose of creating a strategic platform for their investment.

Sources: Gobierno de Guatemala. "Experiencias del encuentro con el migrante 2017 [Experiences of the 2017 Migrant Encounter]". Accessed March 5, 2019. <https://www.mineco.gob.gt/experiencias-del-encuentro-con-el-migrante-2017>. / Gobierno de Guatemala. "Encuentro con el Migrante promueve la internacionalización de Mipymes [Encounter with the Migrant Promotes the Internationalization of

Mipymes]”. Accessed March 5, 2019. <https://www.mineco.gob.gt/encuentro-con-el-migrante-promueve-la-internacionalizaci%C3%B3n-de-mipymes>.

#### **Measures to improve banking channels for remittances:**

Answer: No

Code: 0

Explanation: Measures to improve banking channels not found.

Sources: Not applicable

#### **Existence of fee controls for remittances:**

Answer: No

Code: 0

Explanation: Measures to control fees not found.

Sources: Not applicable.

#### **Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):**

Answer: Yes

Code: 1

Explanation: “Encuentro con el Migrante”, part of the Programa Nacional de Competitividad – Pronacom is a government strategy to encourage investment and foster productive businesses, promoting the use of family remittances in sustainable projects, with the purpose of creating a strategic platform for their investment.

Sources: Gobierno de Guatemala. “Experiencias del encuentro con el migrante 2017 [Experiences of the 2017 Migrant Encounter]”. Accessed March 5, 2019. <https://www.mineco.gob.gt/experiencias-del-encuentro-con-el-migrante-2017>. / Gobierno de Guatemala. “Encuentro con el Migrante promueve la internacionalización de Mipymes [Encounter with the Migrant Promotes the Internationalization of Mipymes]”. Accessed March 5, 2019. <https://www.mineco.gob.gt/encuentro-con-el-migrante-promueve-la-internacionalizaci%C3%B3n-de-mipymes>.

### **2.2.2. Investment**

#### **EMIGRANT\_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):**

Answer: Yes

Code: 1

Explanation: “Encuentro con el Migrante”, part of the Programa Nacional de Competitividad – Pronacom is a government strategy to encourage investment and foster productive businesses, promoting the use of family remittances in sustainable projects, with the purpose of creating a strategic platform for their investment.

Sources: Gobierno de Guatemala. “Experiencias del encuentro con el migrante 2017 [Experiences of the 2017 Migrant Encounter]”. Accessed March 5, 2019. <https://www.mineco.gob.gt/experiencias-del-encuentro-con-el-migrante-2017>. / Gobierno de Guatemala. “Encuentro con el Migrante promueve la internacionalización de Mipymes [Encounter with the Migrant Promotes the Internationalization of Mipymes]”. Accessed March 5, 2019. <https://www.mineco.gob.gt/encuentro-con-el-migrante-promueve-la-internacionalizaci%C3%B3n-de-mipymes>.

### 2.2.3. Brain circulation networks

**EMIGRANT\_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?**

Answer: Yes

Code: 1

Explanation: Red Internacional de Ciencia Tecnología e innovación. A meeting of Guatemalan researchers living abroad with their national counterparts. It has the primary objective of promoting a permanent professional contact between visitors and scientists and researchers working in Guatemala.

Sources: Red Internacional de Ciencia Tecnología e innovación. “Red Internacional de Ciencia Tecnología e Innovación [International Science, Technology and Innovation Network]”. Accessed March 5, 2019. <http://redcti.concyt.gob.gt/portal/>.

### 2.2.4. Return policies

**EMIGRANT\_39. Recognition of academic and professional qualifications acquired in the state of residence:**

**Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:**

Answer: Yes

Code: 1

Explanation: There are agreements with Mexico for automatic recognition, but also with Cuba for homologation of titles of Guatemalans studying medicine in Cuba. Recognition of degrees, titles and diplomas is covered by Article 87 of the Constitution. The Universidad de San Carlos is the only institution that may do that, specify requisites and procedures, and also recognize those that are covered by international treaties. Degrees and titles of Central American universities are fully valid in Guatemala.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

**Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:**

Answer: Not stated

Code: 0.25

Explanation: No provision in main regulations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

**EMIGRANT\_40. Communication campaigns aiming to convince emigrants to return to home country:**

Answer: No

Code: 0

Explanation: No evidence of campaigns aiming to convince emigrants to return.

Sources: Gobierno de Guatemala. “[Instituto Guatemalteco de Migración [Guatemalan Institute of Migration]”. Access date not available. <https://igm.gob.gt/>. / Gobierno de Guatemala. “Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]”. Access date not available. <https://www.minex.gob.gt/>. / Gobierno de Guatemala. “Ministerio de Cultura y Deportes [Ministry of Culture and Sports]”. Access date not available. <https://mcd.gob.gt/>.

**EMIGRANT\_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:**

Answer: No

Code: 0

Explanation: No evidence of the existence of brain gain programmes in Guatemala found.

Sources: Gobierno de Guatemala. “[Instituto Guatemalteco de Migración [Guatemalan Institute of Migration]”. Access date not available. <https://igm.gob.gt/>. / Gobierno de Guatemala. “Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]”. Access date not available. <https://www.minex.gob.gt/>. / Gobierno de Guatemala. “Ministerio de Cultura y Deportes [Ministry of Culture and Sports]”. Access date not available. <https://mcd.gob.gt/>.

**EMIGRANT\_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:**

Answer: No

Code: 0

Explanation: No provisions found.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

## **2.3. Social Policies**

### **2.3.1. Retirement benefits**

**EMIGRANT\_43. Retirement benefits after emigration (i.e. pensions):**

Answer: Yes

Code: 1

Explanation: Pensioners who reside abroad, but who have had a contractual relationship in Guatemala and have contributed to a state pension scheme, may obtain a declaration that exempts them from periodic verification of survival with the consul's confirmation to continue receiving their retirement pension abroad.

Sources: Ley Orgánica del Seguro Social [Organic Law of Social Security]. 1946. / Consultation with expert, Instituto Guatemalteco de Seguridad Social. March 27, 2019.

### **2.3.2. Health care benefits**

**EMIGRANT\_44. Health care benefits.**

**Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):**

Answer: No

Code: 0

Explanation: No provision for the extension of health coverage abroad.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997.

**Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:**

Answer: No

Code: 0



Explanation: Based on the Health Code, only Guatemalan residents can access health care services in Guatemala.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:**

Answer: No

Code: 0

Explanation: No such provision in main regulations (Health Code).

Sources: Decreto N° 90-97 [Decree 90-97]. 1997.

### 2.3.3. Education

**EMIGRANT\_45. Education programs for emigrants.**

**Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:**

Answer: Yes

Code: 1

Explanation: No resident conditions in main scholarship frameworks.

Sources: SEGEPLAN. "Becas convocatorias [Scholarship Calls]" Accessed February 27, 2019.

**State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):**

Answer: No

Code: 0

Explanation: No evidence of schools abroad.

Sources: Gobierno de Guatemala. "Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]". Access date not available. <https://www.minex.gob.gt/>. / Gobierno de Guatemala. "Ministerio de Cultura y Deportes [Ministry of Culture and Sports]". Access date not available. <https://mcd.gob.gt/>.

**State of origin offers language courses to emigrants to learn the language of the state of reception:**

Answer: No

Code: 0

Explanation: No evidence of language courses abroad.

Sources: Gobierno de Guatemala. "Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]". Access date not available. <https://www.minex.gob.gt/>. / Gobierno de Guatemala. "Ministerio de Cultura y Deportes [Ministry of Culture and Sports]". Access date not available. <https://mcd.gob.gt/>.

## 2.4. Cultural policies

### 2.4.1. Visits to country of origin

**EMIGRANT\_46. State of origin organizes visits to the origin country for emigrants on a regular basis:**

Answer: No

Code: 0

Explanation: No evidence of visits to the state of origin found.

Sources: Gobierno de Guatemala. "Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]". Access date not available. <https://www.minex.gob.gt/>. / Gobierno de Guatemala. "Ministerio de Cultura y Deportes [Ministry of Culture and Sports]". Access date not available. <https://mcd.gob.gt/>.

### 2.4.2. Language courses for emigrants

**EMIGRANT\_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):**

Answer: No

Code: 0

Explanation: No evidence of language courses found.

Sources: Gobierno de Guatemala. "Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs]". Access date not available. <https://www.minex.gob.gt/>. / Gobierno de Guatemala. "Ministerio de Cultura y Deportes [Ministry of Culture and Sports]". Access date not available. <https://mcd.gob.gt/>.

## 2.5. Obligations

### **2.5.1. Military service**

#### **EMIGRANT\_48. Emigrants have the obligation to comply with military service:**

Answer: Military service mandatory for residents and nonresidents

Code: 1

Explanation: Military or social service is mandatory for all Guatemalans (Art. 135.g.). No exceptions are made for non-residents. However, it is not specified how non-residents will comply with military/social service from abroad.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

### **2.5.2. Social service**

#### **EMIGRANT\_49. Emigrants have the obligation to comply with social service:**

Answer: Social service mandatory for residents and nonresidents

Code: 1

Explanation: Military or social service is mandatory for all Guatemalans (Art. 135.g.). No exceptions are made for non-residents. However, it is not specified how non-residents will comply with military/social service from abroad.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

### **2.5.3. Taxes**

#### **EMIGRANT\_50. Obligation to pay taxes in state of origin**

##### **Emigrant must pay income taxes in state of origin:**

Answer: No

Code: 0

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxation is applied to economic activities that take place in Guatemalan territory. Thus, it is not the nationality that matters, but the place where economic activity takes place: if Guatemalans abroad derive any rent from an economic activity domiciled in Guatemala, then they are obliged to pay taxes. Diplomatic personnel are exempted from this provision.

Sources: Decree N° 26-92 [Decree 26-92]. 2012. Art. 1.

**There are special taxes for emigrants:**

Answer: No

Code: 0

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxation is applied to economic activities that take place in Guatemalan territory. Thus, it is not the nationality that matters, but the place where economic activity takes place: if Guatemalans abroad derive any rent from an economic activity domiciled in Guatemala, then they are obliged to pay taxes. Diplomatic personnel are exempted from this provision.

Sources: Decree N° 26-92 [Decree 26-92]. 2012. Art. 1.

## **2.6. Administration**

### **2.6.1. Home country administration**

**EMIGRANT\_51. Existence of a home country administration agency/body for emigrants in state of origin.**

**Existence of institution/agency with competencies for emigrant policies:**

Answer: Yes

Code: 1

Explanation: Dirección General de Asuntos Consulares y Migratorios (General Directorate for Consular and Migratory Affairs): Subordinated to the viceministerial office of the Ministry of Foreign Affairs, is the responsible for executing, the correct application of the Migration Law and its Regulations. It is in charge of emigration policy, emigrant policy.

Sources: Reglamento Orgánico Interno del Ministerio de Relaciones Exteriores [Internal Organic Regulation of the Ministry of Foreign Affairs]. 2003. / Gobierno de Guatemala. "Organigrama Minex [Organizational Charter MINEX]". Accessed March 5, 2019. <http://www.minex.gob.gt/Uploads/Organigrama-Minex.pdf>.

**Name of the institution with competencies for emigrant policies in original language:**

Answer: Dirección General de Asuntos Consulares y Migratorios

**Name of the institution with competencies for emigrant policies in English:**

Answer: General Directorate for Consular and Migratory Affairs

**EMIGRANT\_52. Place in the administrative hierarchy:**

Answer: 3rd Rank in the public administration

Code: 0.5

Explanation: Dirección General de Asuntos Consulares y Migratorios (General Directorate for Consular and Migratory Affairs): Subordinated to the viceministerial office of the Ministry of Foreign Affairs, is the responsible for executing, the correct application of the Migration Law and its Regulations. It is in charge of emigration policy, emigrant policy.

Sources: Gobierno de Guatemala. "Organigrama Minex [Organizational Charter MINEX]". Accessed March 5, 2019. <http://www.minex.gob.gt/Uploads/Organigrama-Minex.pdf>.

## 2.6.2. Consular network

**EMIGRANT\_53: Number of consulates.**

**Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):**

Answer: 74

Code: 74

Explanation: Guatemala has 74 consulates (counting Consular Sections in Embassies and general consulates) in 41 countries.

Sources: Gobierno de Guatemala. "Consulados de Guatemala en el mundo [Guatemalan Consulates in the World]". Accessed March 5, 2019. [http://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=1200](http://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=1200).

**Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):**

Answer: 41

Code: 41

Explanation: Guatemala has 74 consulates (counting Consular Sections in Embassies and general consulates) in 41 countries.

Sources: Gobierno de Guatemala. "Consulados de Guatemala en el mundo [Guatemalan Consulates in the World]". Accessed March 5, 2019. [http://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=1200](http://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=1200).

## 2.6.3. New consular functions

**EMIGRANT\_54: Extensions to the consular network services.**

**Existence of mobile consulates:**

Answer: Yes

Code: 1

Explanation: There is evidence of the existence of mobile consulates since 2016.

Sources: Gobierno de Guatemala. "Consulados móviles 2019 [Mobile Consulates 2019]". Access date not available. [https://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=2240](https://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=2240).

**Consulates open on weekends on a regular basis (e.g. once monthly):**

Answer: Yes

Code: 1

Explanation: There is evidence of weekend opening hours since 2016.

Sources: Gobierno de Guatemala. "Sábados consulares 2019 [Consular Saturdays 2019]". Access date not available. [https://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=2241](https://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=2241).

**Consulates offer some services online:**

Answer: No

Code: 0

Explanation: No evidence of online services.

Sources: Gobierno de Guatemala. "Consulados de Guatemala en el mundo [Guatemalan Consulates in the World]". Accessed March 5, 2019.  
[http://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=1200](http://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=1200).

**EMIGRANT\_55: Adoption of new consular functions.**

**Consulates offer financial consultancy:**

Answer: No

Code: 0

Explanation: No evidence of such service found.

Sources: Gobierno de Guatemala. "Consulados de Guatemala en el mundo [Guatemalan Consulates in the World]". Accessed March 5, 2019.  
[http://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=1200](http://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=1200).

**Consulates offer psychological consultancy:**

Answer: No

Code: 0

Explanation: No evidence of such service found.

Sources: Gobierno de Guatemala. "Consulados de Guatemala en el mundo [Guatemalan Consulates in the World]". Accessed March 5, 2019.

[http://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=1200](http://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=1200).

#### **Consulates offer health services:**

Answer: No

Code: 0

Explanation: No evidence of such service found.

Sources: Gobierno de Guatemala. "Consulados de Guatemala en el mundo [Guatemalan Consulates in the World]". Accessed March 5, 2019.

[http://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=1200](http://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=1200).

### **2.6.4. Special offices**

#### **EMIGRANT\_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):**

Answer: No

Code: 0

Explanation: No evidence of such offices.

Sources: Gobierno de Guatemala. "Consulados de Guatemala en el mundo [Guatemalan Consulates in the World]". Accessed March 5, 2019.

[http://www.minex.gob.gt/Visor\\_Pagina.aspx?PaginaID=1200](http://www.minex.gob.gt/Visor_Pagina.aspx?PaginaID=1200).

### 3. Emigrant citizenship and nationality policies

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**CITNAT: Does the country make a distinction between citizenship and nationality?**

Answer: Yes

Code: 1

Explanation: Nationality refers to be part of the nation state of Guatemala, either by birth or by naturalization. It is linked to a legal status attesting membership to the country. Citizenship is used for participatory political rights.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 144.

#### 3.1. Emigrant nationality

##### 3.1.1. Dual nationality for emigrants

**EMINAT\_1. Deprivation of nationality for having acquired a foreign nationality.**

**Loss of nationality for acquisition of foreign citizenship (nationals by birth):**

Answer: No provision

Code: 1

Explanation: Art. 144 of the Constitution establishes that no Guatemalan by origin may be deprived of his or her nationality.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 144.

**Nationality can be withdrawn only if person resides abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person was born abroad:**

Answer: Not applicable

Code: Not applicable



Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Loss of nationality can be prevented:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 3.1.2. Dual nationality only for some countries of residence

**EMINAT\_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.**

**Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:**

Answer: No

Code: 1

Explanation: Art. 144 of the Constitution establishes that no Guatemalan by origin may be deprived of his or her nationality.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 144.

**Which countries:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 3.1.3. Loss of nationality after residence abroad

**EMINAT\_3: Loss of nationality after residence abroad.**

**Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: Art. 144 of the Constitution establishes that no Guatemalan by origin may be deprived of his or her nationality.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 144.

**Nationality can be withdrawn only if person resides abroad for 20 years or more:**

Answer: No

Code: 0

Explanation: Guatemalan nationality is lost due to the causes of loss of nationality established in Article 9 of the Constitution. After four years have elapsed since the naturalized Guatemalan has been absent from the Republic, it shall proceed to declare the loss of nationality, except in the following cases: If it is naturalization by marriage.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 53.

**Nationality can be withdrawn only if person has another citizenship:**

Answer: No

Code: 0

Explanation: Guatemalan nationality is lost due to the causes of loss of nationality established in Article 9 of the Constitution. After four years have elapsed since the naturalized Guatemalan has been absent from the Republic, it shall proceed to declare the loss of nationality, except in the following cases: If it is naturalization by marriage.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 53.

**Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:**

Answer: Yes

Code: 0

Explanation: Guatemalan nationality is lost due to the causes of loss of nationality established in Article 9 of the Constitution. After four years have elapsed since the naturalized Guatemalan has been absent from the Republic, it shall proceed to declare the loss of nationality, except in the following cases: If it is naturalization by marriage.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 53.

### **3.1.4. Jus sanguinis for emigrants**

**EMINAT\_4: Transfer of nationality to children born abroad.**

**Country of origin permit parents to confer their nationality on their children who are born abroad:**

Answer: Yes

Code: 1

Explanation: Art. 144 of the Guatemalan Constitution establish that are Guatemalans of origin, those born in the territory of the Republic of Guatemala, Guatemalan ships and aircraft, and the children of the Guatemalan father or mother, born abroad. Exceptions are children of diplomatic officials and those holding legally equivalent positions.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 144.

**Transfer of nationality is applicable to:**

Answer: No limit

Code: 0

Explanation: Art. 144 of the Guatemalan Constitution establish that they are Guatemalans of origin, those born in the territory of the Republic of Guatemala, Guatemalan ships and aircraft, and the children of the Guatemalan father or mother, born abroad. Exceptions are children of diplomatic officials and those holding legally equivalent positions.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 144.

### **3.1.5. Jus sanguinis across generations**

**EMINAT\_5: Transfer of nationality to children born abroad from former citizens.**

**Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens**

Answer: No

Code: 0

Explanation: There is no provision in the legislation about jus sanguinis across generations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

**Transfer of nationality is applicable to:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.6. Renunciation of nationality is possible**

**EMINAT\_6: Voluntary renunciation of nationality abroad is possible.**

**Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:**

Answer: Renunciation is possible

Code: 1

Explanation: Guatemalans of origin cannot give up their nationality, unless it is a mandatory condition at the time of assuming responsibility for other nationality" (Sarazua 2016: 1).

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available.

**Renunciation abroad is only possible if person has another nationality:**

Answer: Yes, person renouncing has to show prove of another nationality

Code: 1

Explanation: Guatemalans of origin cannot give up their nationality, unless it is a mandatory condition at the time of assuming responsibility for other nationality" (Sarazua 2016: 1).

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available.

**Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:**

Answer: Yes

Code: 1

Explanation: Guatemalans of origin cannot give up their nationality, unless it is a mandatory condition at the time of assuming responsibility for other nationality” (Sarazua 2016: 1).

Sources: Sarazua, J. “Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]”. Fiesole: EUDO Citizenship Observatory, 2016. Access date not available.

### **3.1.7. Reacquisition of nationality**

**EMINAT\_7. Country of origin provides for reacquisition of nationality for former nationals:**

Answer: No provision

Code: 0

Explanation: There is no provision in the legislation about reacquisition of nationality.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

## **3.2. Emigrant citizenship**

### **3.2.1. Citizenship restrictions for dual nationals**

**EMICIT\_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):**

Answer: Restrictions if less than 5 years living abroad

Code: 0

Explanation: Article 247 of the Constitution establishes that in order to be an officer of the Army of Guatemala, it is required to be Guatemalan of origin or not to have adopted at any time a foreign nationality. Article 207 of the Constitution establishes that magistrates and judges must be Guatemalans of origin, of recognized good repute, to be in the enjoyment of their citizen’s rights and to be collegiate lawyers, except for the exceptions that the law establishes with regard to the latter requirement in relation to certain judges in private jurisdiction and lesser judges.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 207 and 247.

### 3.2.2. Different citizenship for emigrants

**EMICIT\_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

### 3.2.3. Loss or suspension of citizen rights after residence abroad

**EMICIT\_3: Country deprives their national citizens by birth who emigrated of their citizen rights.**

**Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

**Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) \*If it is not specified in the regulation, it is coded as restrictions not conditional to return:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4. Immigration policies

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### 4.1. General

#### 4.1.1. Number of entry tracks

##### **IMMIGRATION\_1. How many visa types does the country have?**

Answer: 5

Code: 5

Explanation: Guatemala differentiates between visas and residence permits. There are three types of visa which apply to applicants that do not aim at establishing their residence in Guatemala: (1) Visitant visa or tourist visa, (2) Business visa and (3) Transit visa. Furthermore, there are two types of residency (temporary and permanent).

Sources: Instituto Guatemalteco de Migración. "Visas Guatemaltecas [Guatemalan Visas]". Accessed March 11, 2019. <http://igm.gob.gt/visas-prorrogas-y-permisos/>.

##### **IMMIGRATION\_2: Categorical organization of visas**

###### **Are the visas organized by overarching categories?**

Answer: No

Code: 0

Explanation: Guatemala differentiates between visas and residence permits. There are three types of visa which apply to applicants that do not aim at establishing their residence in Guatemala: (1) Visitant visa or tourist visa, (2) Business visa and (3) Transit visa. Furthermore, there are two types of residency (temporary and permanent).

Sources: Instituto Guatemalteco de Migración. "Visas Guatemaltecas [Guatemalan Visas]". Accessed March 11, 2019. <http://igm.gob.gt/visas-prorrogas-y-permisos/>.

###### **How many categories?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 4.1.2. Biometric information

#### IMMIGRATION\_3: Collection of biometric information.

**Does the state collect biometric information from all citizens for example for passports?**

Answer: Yes

Code: 1

Explanation: Art. 140 of Decree 44-216 establishes that during the process of evaluation of migration applications authorities will collect biographical and biometric information.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 140.

**Does the state collect biometric information from immigrants for example for passports?**

Answer: Yes

Code: 1

Explanation: Art. 140 of Decree 44-216 establishes that during the process of evaluation of migration applications authorities will collect biographical and biometric information.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 140.

### 4.1.3. Visa waivers

**IMMIGRATION\_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?**

Answer: No

Code: 0

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 140.

## 4.2. Documentation

#### IMMIGRATION\_5: Issue of legal compulsory identification documents.

**Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?**



Answer: Yes

Code: 1

Explanation: Art. 100 of Decree 44-216 establishes that all Guatemalans and foreigners domiciled, registered in RENAP (National Person Register), have the right to apply for and obtain the DPI (Personal Identity Number).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 100.

### **Are they required to carry them at all times?**

Answer: No

Code: 0

Explanation: No provision in main regulations (e.g. Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 100.

## **4.3. Quotas and restrictions**

### **4.3.1. General quota**

**IMMIGRATION\_6: General quota for immigration.**

**Is there a general quota (numerical limit) for immigration?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 4.3.2. Specific quotas

#### IMMIGRATION\_7: Quota for high-skilled migrants.

**Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### IMMIGRATION\_8: Quota for low-skilled migrants.

**Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_9: Quota for refugees.**

**Is there a quota (numerical limit) on the number of refugees?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_10: Quota for co-ethnics.**

**Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.3.3. List of excluded persons**

**IMMIGRATION\_11: Categories of excluded persons.**

**Are there categories of excluded persons from immigration?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**List of categories of excluded persons:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**4.3.4. List of excluded countries**

**IMMIGRATION\_12: Countries excluded.**

**Is there a list of countries whose nationals are banned for immigration in this country?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**List of countries excluded:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4.4. Policy incentives

### 4.4.1. Recognized brokers

**IMMIGRATION\_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):**

Answer: No

Code: 0

Explanation: The only institution responsible for immigration process is the General Direction of Migration (Art. 120 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 120.

**IMMIGRATION\_14. State offers pecuniary incentives to citizens willing to immigrate:**

Answer: No

Code: 0

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

## 4.5. Immigration control and penalties

### 4.5.1. Irregular residence

**IMMIGRATION\_15: Illegal residence.**

**Is illegal residence in the country considered a criminal offense?**

Answer: No

Code: 1

Explanation: Irregular residence is considered an administrative offense (Art. 50 and 193.b Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 50 and 193.

**Is illegal residence considered an administrative offense?**

Answer: Yes

Code: 0

Explanation: Irregular residence is considered an administrative offense (Art. 193.b Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 193.

#### **4.5.2. Forged documents**

**IMMIGRATION\_16: Penalties for immigrants with forged documents.**

**Are there penalties for immigrants for forged documents?**

Answer: Yes

Code: 0

Explanation: Penalty was imprisonment of two to six years (Art. 321 of Penal Code).

Sources: Decreto N° 17-73 [Decree 17-73]. 1973. Art. 321.

**Penalty is expulsion:**

Answer: No

Code: 1

Explanation: Penalty was imprisonment of two to six years (Art. 321 of Penal Code).

Sources: Decreto N° 17-73 [Decree 17-73]. 1973. Art. 321.

**Penalty is a fine:**

Answer: No

Code: 1

Explanation: Penalty was imprisonment of two to six years (Art. 321 of Penal Code).

Sources: Decreto N° 17-73 [Decree 17-73]. 1973. Art. 321.

**Penalty is detention:**

Answer: No

Code: 1

Explanation: Penalty was imprisonment of two to six years (Art. 321 of Penal Code).

Sources: Decreto N° 17-73 [Decree 17-73]. 1973. Art. 321.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Penalty was imprisonment of two to six years (Art. 321 of Penal Code).

Sources: Decreto N° 17-73 [Decree 17-73]. 1973. Art. 321.

**IMMIGRATION\_17: Penalties for immigrants with expired documents.**

**Are there penalties for immigrants with expired documents?**

Answer: Yes

Code: 0

Explanation: Foreigners that stay in Guatemala with expired documents and that have not applied for an extension of their migratory status are considered guilty of an administrative offense (Art. 193.b of Decree 44-2016) and are liable to a fine of 15 Quetzal for overstayed day (Art. 194.2).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 193.b and 194.2.

**Penalty is expulsion:**

Answer: No

Code: 1

Explanation: Foreigners that stay in Guatemala with expired documents and that have not applied for an extension of their migratory status are considered guilty of an administrative offense (Art. 193.b of Decree 44-2016) and are liable to a fine of 15 Quetzal for overstayed day (Art. 194.2).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 193.b and 194.2.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Foreigners that stay in Guatemala with expired documents and that have not applied for an extension of their migratory status are considered guilty of an administrative offense (Art. 193.b of Decree 44-2016) and are liable to a fine of 15 Quetzal for overstayed day (Art. 194.2).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 193.b and 194.2.

**Penalty is detention:**

Answer: No

Code: No

Explanation: Foreigners that stay in Guatemala with expired documents and that have not applied for an extension of their migratory status are considered guilty of an administrative offense (Art. 193.b of Decree 44-2016) and are liable to a fine of 15 Quetzal for overstayed day (Art. 194.2).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 193.b and 194.2.

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: Foreigners that stay in Guatemala with expired documents and that have not applied for an extension of their migratory status are considered guilty of an administrative offense (Art. 193.b of Decree 44-2016) and are liable to a fine of 15 Quetzal for overstayed day (Art. 194.2).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 193.b and 194.2.

### 4.5.3. Aiding undocumented migrants

**IMMIGRATION\_18: Penalties for aiding undocumented migrants.**

**Are there penalties for aiding undocumented migrants?**

Answer: No

Code: 1

Explanation: There is no provision in the immigration regulation or the Penal Code about penalties for aiding undocumented migrants.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. / Decreto N° 17-73 [Decree 17-73]. 1973.

**Penalty is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**



Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.5.4. Employment obligations**

**IMMIGRATION\_19: Penalties for employers who hire migrant workers without a legal work permit.**

**Are there sanctions for employers hiring migrant workers without a legal work permit?**

Answer: No

Code: 1

Explanation: There are not provisions for sanctions to employers that hire migrants without a legal work permit in main migration regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Sanction is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### 4.5.5. Landlord obligations

**IMMIGRATION\_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.**

**Are there penalties for landlords who rent shelter to migrants without a regular migrant status?**

Answer: No

Code: 1

Explanation: There are not provisions for sanctions to landlords that accomodate migrants without a residence permit.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Penalty is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### 4.5.6. Airline penalties

**IMMIGRATION\_21: Penalties for airlines carrying immigrants without documentation.**

**Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?**

Answer: Yes

Code: 0

Explanation: Transport companies are liable to a penalty of a fine in case that they transport passangers lacking the relevant documentation (Art. 211 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 211.

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: Transport companies are liable to a penalty of a fine in case that they transport passangers lacking the relevant documentation (Art. 211 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 211.

**Penalty is more than a fine:**

Answer: No

Code: 1

Explanation: Transport companies are liable to a penalty of a fine in case that they transport passangers lacking the relevant documentation (Art. 211 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 211.

## 4.6. Amnesty programs

**IMMIGRATION\_22: Existence of amnesty program.**

**In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?**

Answer: No

Code: 0

Explanation: The possibility of establishing regularization plans/programs is included in Decree 44-2016 (Art. 107 to 111). However, these articles have not been implemented by Guatemalan authorities. Thus, no amnesty programs, nor regularization programs have existed in the past 10 years in Guatemala.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 107-111.

**The amnesty program is/was:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being employed is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**A given duration of stay is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Having a certain nationality is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Does a case by case regularization for irregular immigrants existed?**

Answer: No

Code: 0

Explanation: The possibility of establishing regularization plans/programs is included in Decree 44-2016 (Art. 107 to 111). However, these articles have not been implemented by Guatemalan authorities. Thus, no amnesty programs, nor regularization programs have existed in the past 10 years in Guatemala.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 107-111.

**Being employed is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**A given duration of stay is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Having a certain nationality is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is regularization through marriage possible:**

Answer: No

Code: 0

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_23. The amnesty defines the types of irregular migrants as:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4.7. Administration

### IMMIGRATION\_24\_1: Administration in charge of immigration regulation.

**Which institution is in charge of immigration regulation (in original language)?**

Answer: Autoridad Migratoria Nacional

Code: Autoridad Migratoria Nacional

Explanation: The National Migration Authority (Autoridad Migratoria Nacional) is in charge at the national and executive level of the immigration regulation. Since the new Decree 44-2016 there is an ongoing transition process to convert the General Direction of Migration within the Ministry of Government to the Guatemalan Institute of Migration. But until now both names of the institution are used and overlap in different contexts.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 116.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: National Migration Authority

### IMMIGRATION\_24\_2: Administration in charge of implementing immigration policies.

**Which institution is in charge of the implementation of immigration policies (in original language)?**

Answer: Autoridad Migratoria Nacional

Code: Autoridad Migratoria Nacional

Explanation: The National Migration Authority (Autoridad Migratoria Nacional) is in charge at the national and executive level of the immigration regulation. Since the new Decree 44-2016 there is an ongoing transition process to convert the General Direction of Migration within the Ministry of Government to the Guatemalan Institute of Migration. But until now both names of the institution are used and overlap in different contexts.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 116.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: National Migration Authority

### IMMIGRATION\_24\_3: Administration in charge of border control.

**Which institution is in charge of border control (in original language)?**

Answer: Subdirección de Control Migratorio

Code: Subdirección de Control Migratorio

Explanation: Art. 140 of Decree 44-2016 establishes that the Migratory Subdirectory Control is responsible for controlling and registering the entry and exit of nationals and foreigners from the national territory.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 140. / Consultation with expert, Cancillería. March 27, 2019.

**Which institution is in charge of border control (in English language)?**

Answer: Migratory Subdirectory Control

**IMMIGRATION\_24\_4: Administration in charge of detentions.**

**Which institution is in charge of detentions (in original language)?**

Answer: Policia Nacional Civil

Code: Policia Nacional Civil

Explanation: The National Civil Police is the authority empowered to detain persons, the official or employee of the migratory post must inform immediately or alert the National Civil Police to proceed in accordance with its protocol (Art. 168 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 168. / Consultation with expert, Cancillería. March 27, 2019.

**Which institution is in charge of detentions (in English language)?**

Answer: National Civil Police

#### **4.8. Proxy: Labor migration (high- and low-skilled)**

**IMMIGRATION\_25: Visas applied to labor migration.**

**Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?**

Answer: Yes

Code: 1

**Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?**

Answer: Yes

Code: 1

### 4.8.1. Domestic workers

**Is there a visa scheme (entry track) for domestic workers?**

Answer: Yes

Code: 1

Explanation: Art. 75 of Decree 44-2016 establishes that migrant workers can apply to temporary residence for a period of one to five years.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75.

**IMMIGRATION\_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: Art. 9.2. of the Agreement of the National Migratory Authority 4-2019 establishes that in order to apply for temporal residence, migrant workers need to have a Guatemalan sponsor ("garante guatemalteco"), which could be an individual or an organization.

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 9.2.

**IMMIGRATION\_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?**

Answer: Yes, required

Code: 0.25

Explanation: Art. 9.1. of the Agreement of the National Migratory Authority 4-2019 establishes that in order to apply for temporal residence, migrant workers need to have a formal job offer in which the conditions of the job should be described.

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 9.1.

**IMMIGRATION\_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No



Code: 1

Explanation: There is not a labor test, however the legislation establishes that companies are allowed to employed a maximum of a 10 percent of foreign workers (Art. 13 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

**IMMIGRATION\_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_30: Restrictions based on age.**

**Are there age limits for migrant domestic workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_33. Do migrant domestic workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 200

Code: 200

Explanation: The cost of the application for a one year permit was USD 200. For 2 years USD 300 and for 3 to 5 years USD 500.

Sources: Instituto Guatemalteco de Migración. "Tarifas [Fees]". Accessed March 12, 2019. <http://igm.gob.gt/tarifas-extranjeria/>.

**IMMIGRATION\_36. How long is the domestic work permit valid for? Indicate the period in months.**

Answer: 60

Code: 60

Explanation: The permit could be issued for a minimum of 12 months and a maximum of 60 (Art. 75a of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75a.

**IMMIGRATION\_37. Is it possible to renew the work permit granted under the domestic worker entry track?**

Answer: Yes

Code: 1

Explanation: It is possible to renew the permit and is not necessary to leave the country (Art. 10 of agreement of the National Migratory Authority 4-2019).

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 10.

**IMMIGRATION\_38: Possibility of changing jobs.**

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?**

Answer: Yes

Code: 1

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?**

Answer: Yes

Code: Yes

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?**

Answer: Yes

Code: 1

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Art. 23 of Decree 44-2016 establishes minimum social rights for immigrant workers i.e. freedom of choice of employment, equitable remuneration, special condition for maternity.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 23.

**IMMIGRATION\_41. Is a minimum level of education required to apply to the domestic entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_42. Is a test of good health required for migrant domestic worker?**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **4.8.2. Agricultural workers**

**Is there a visa scheme (entry track) for agricultural workers?**

Answer: Yes

Code: 1

Explanation: Art. 75 of Decree 44-2016 establishes that migrant workers can apply to temporary residence for a period of one to five years.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75.

**IMMIGRATION\_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: Art. 9.2. of the Agreement of the National Migratory Authority 4-2019 establishes that in order to apply for temporal residence, migrant workers need to have a Guatemalan sponsor ("garante guatemalteco"), which could be an individual or an organization.

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 9.2.

**IMMIGRATION\_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?**

Answer: Yes, required

Code: 0.25

Explanation: Art. 9.1. of the Agreement of the National Migratory Authority 4-2019 establishes that in order to apply for temporal residence, migrant workers need to have a formal job offer in which the conditions of the job should be described.

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 9.1.

**IMMIGRATION\_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: No

Code: 1

Explanation: There is not a labor test, however the legislation establishes that companies are allowed to employed a maximum of a 10 percent of foreign workers (Art. 13 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

**IMMIGRATION\_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_47: Restrictions based on age.**

**Are age limits for migrant agricultural workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_48. Is having a certain gender a requisite to be admitted to the country under this entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_50. Do migrant agricultural workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 200

Code: 200

Explanation: The cost of the application for a one year permit was USD 200. For 2 years USD 300 and for 3 to 5 years USD 500.

Sources: Instituto Guatemalteco de Migración. "Tarifas [Fees]". Accessed March 12, 2019. <http://igm.gob.gt/tarifas-extranjeria/>.

**IMMIGRATION\_53. How long is the work permit valid for? Indicate the period in months.**

Answer: 60

Code: 60

Explanation: The permit could be issued for a minimum of 12 months and a maximum of 60 (Art. 75a of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75a.

**IMMIGRATION\_54. Is it possible to renew the work permit granted under the agricultural worker entry track?**

Answer: Yes

Code: 1

Explanation: It is possible to renew the permit and is not necessary to leave the country (Art. 10 of agreement of the National Migratory Authority 4-2019).

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 10.

**IMMIGRATION\_55: Possibility of changing jobs.**

**Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?**

Answer: Yes

Code: 1

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?**

Answer: Yes

Code: 1

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?**



Answer: Yes

Code: 1

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Art. 23 of Decree 44-2016 establishes minimum social rights for immigrant workers i.e. freedom of choice of employment, equitable remuneration, special condition for maternity.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 23.

**IMMIGRATION\_58. Is a minimum level of education required to apply to the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_59. Is a test of good health required for migrant agricultural workers?**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

### 4.8.3. Medical doctors

**Is there a visa scheme (entry track) for medical doctors?**

Answer: Yes

Code: 1

Explanation: Art. 75 of Decree 44-2016 establishes that migrant workers can apply to temporary residence for a period of one to five years.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75.

**IMMIGRATION\_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: Art. 9.2. of the Agreement of the National Migratory Authority 4-2019 establishes that in order to apply for temporal residence, migrant workers need to have a Guatemalan sponsor ("garante guatemalteco"), which could be an individual or an organization.

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 9.2.

**IMMIGRATION\_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: Art. 9.1. of the Agreement of the National Migratory Authority 4-2019 establishes that in order to apply for temporal residence, migrant workers need to have a formal job offer in which the conditions of the job should be described.

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 9.1.

**IMMIGRATION\_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?**

Answer: No

Code: 1

Explanation: There is not a labor test, however the legislation establishes that companies are allowed to employed a maximum of a 10 percent of foreign workers (Art. 13 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

**IMMIGRATION\_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_64: Restrictions based on age.**

**Are there age limits for migrant medical doctors to be admitted to the country?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_67. Do migrant medical doctors need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No provision in main regulation (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 200

Code: 200

Explanation: The cost of the application for a one year permit was USD 200. For 2 years USD 300 and for 3 to 5 years USD 500.

Sources: Instituto Guatemalteco de Migración. "Tarifas [Fees]". Accessed March 12, 2019. <http://igm.gob.gt/tarifas-extranjeria/>.

**IMMIGRATION\_70. How long is the medical doctor work permit valid for? Indicate the period in months.**

Answer: 60

Code: 60

Explanation: The permit could be issued for a minimum of 12 months and a maximum of 60 (Art. 75a of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75a.

**IMMIGRATION\_71. Is it possible to renew the work permit granted under the medical doctor entry track?**

Answer: Yes

Code: 1

Explanation: It is possible to renew the permit and is not necessary to leave the country (Art. 10 of Agreement of the National Migratory Authority 4-2019).

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 10.

**IMMIGRATION\_72: Possibility of changing jobs.**

**Is it possible for a migrant medical doctor to switch employers?**

Answer: Yes

Code: 1

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is it possible for a migrant medical doctor to switch professional sectors?**

Answer: Yes

Code: 1

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is it possible for a migrant medical doctor to switch locations?**

Answer: Yes

Code: 1

Explanation: No provision prohibiting this category to switch employers, sector or locations.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019. / Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Art. 23 of Decree 44-2016 establishes minimum social rights for immigrant workers i.e. freedom of choice of employment, equitable remuneration, special condition for maternity.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 23.

**IMMIGRATION\_75. Is a minimum level of education required to apply to the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_76. Is a test of good health required for migrant medical doctors?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

## **4.9. Proxy: Refugees**

### **4.9.1. Existence of track**

#### **IMMIGRATION\_77. Does the country grant refugee status?**

Answer: Yes

Code: 1

Explanation: Art. 43 of Decree 44-2016 establishes that foreigners may apply for refugee status in Guatemala.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 43.

#### **IMMIGRATION\_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **IMMIGRATION\_79: Safe countries of origin.**

#### **Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?**

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **How many countries?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4.9.2. Restrictions

### **IMMIGRATION\_80: Refugee status restricted for certain nationalities.**

#### **Is refugee status restricted to certain nationalities?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Which nationalities?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **IMMIGRATION\_81: Restrictions based on age.**

#### **Are there age limits for potential refugees to be admitted to the country?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Not applicable

#### **Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Below which age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_82. Is having a certain gender a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRATION\_83. Is having a certain marital status a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No provision in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**4.9.3. Place of application**

**IMMIGRATION\_84: Place of application**

**Can asylum seekers file an application for asylum from outside the destination country's territory?**

Answer: No

Code: 0

Explanation: Applications must be submitted in the migratory border control posts in the country (Art. 43 and 178 of Decree 44-2016) or in the Guatemalan territory (Art. 179 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 43, 178 and 179.

**Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?**

Answer: Yes

Code: 1

Explanation: Applications must be submitted in the migratory border control posts in the country (Art. 43 and 178 of Decree 44-2016) or in the Guatemalan territory (Art. 179 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 43, 178 and 179.

**Can asylum seekers file an application for asylum on the destination country's territory?**

Answer: Yes

Code: 1

Explanation: Applications must be submitted in the migratory border control posts in the country (Art. 43 and 178 of Decree 44-2016) or in the Guatemalan territory (Art. 179 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 43, 178 and 179.

#### **4.9.4. Permit validity**

**IMMIGRATION\_85. How long is the initial residence permit for recognized refugees valid for?**

Answer: Temporary, between 12 and 24 months

Code: 5

Explanation: Art. 48 of Decree 44-2016 establishes that children, adolescents and adults recognized with the status of refugee or political asylum seeker will be granted temporary residence of usually two years.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 48.

**IMMIGRATION\_86: Permit renewal.**

**Is it possible to renew a temporary residence permit?**

Answer: Yes

Code: 1

Explanation: Art. 38 of Agreement of the National Migratory Authority 4-2019 establishes that the temporal residence (also for refugees) can be renewed if the conditions for granting residence have not changed.

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 38.

**Is it possible to apply for a permanent resident permit for recognized refugees?**

Answer: Yes, possible to apply for a permanent permit after 5-6 years

Code: 3

Explanation: Art. 78 and 185 of Decree 44-2016 establish that after five years of residence, refugees can apply for permanent residence.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78 and 185.

**IMMIGRATION\_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?**

Answer: Yes

Code: 0

Explanation: Art. 185f of Decree 44-2016 establishes that the refugee status ceases to exist if the circumstances under which the refugee was recognized as a refugee no longer exist and he/she cannot continue to avail of the benefits of the protection of the country of his/her nationality.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 185f.

#### **4.9.5. Maximum timeframe for application resolution**

**IMMIGRATION\_88: Timeframe for resolution.**

**Is there a maximum of days to process the application of asylum seekers?**

Answer: No

Code: 0

Explanation: No provision for a maximum of days to process application of asylum seekers in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **What is the maximum of days?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.9.6. Possibility to change migratory status**

**IMMIGRATION\_89. If an application on refugee status is rejected, does the applicant have the right to appeal?**

Answer: Yes

Code: 1

Explanation: Art. 182 of Decree 44-2016 establishes that an applicant can appeal a negative decision within ten days of the resolution.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 182.

**IMMIGRATION\_90. Is it possible for recognized refugees to change their migratory status?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

### **4.9.7. Detention**

**IMMIGRATION\_91: Detention**

**Are asylum seekers detained while their claims are being processed?**

Answer: No

Code: 4

Explanation: Asylum seekers are granted temporal residence and are not detained while or after their claims were being processed.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 48.

#### **Are asylum seekers detained after their claims are processed?**

Answer: No

Code: 2

Explanation: Asylum seekers are granted temporal residence and are not detained while or after their claims were being processed.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 48.

### **4.9.8. Status after rejection**

#### **IMMIGRATION\_92. What is the status of asylum seekers whose applications are rejected?**

Answer: Issued a temporary certificate and then deportation

Code: 2

Explanation: Article 183 of Decree 44-2016 establishes that, when the resolution is a definitive refusal, the United Nations High Commissioner for Refugees can ask for a reasonable period of permanence in the national territory for the applicant, until he/she obtains admission in another country.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 183.

#### **IMMIGRATION\_93. Do asylum seekers have the possibility to work during the process of application?**

Answer: Yes

Code: 1

Explanation: Art. 51 of Decree 44-2016 establishes that "the applicant for recognition of refugee status, the applicant for recognition of refugee status and the political asylum-seeker under the figure of territorial asylum who has entered the territory on a regular basis, shall enjoy all the rights and obligations Guatemalan legislation, especially the Political Constitution of the Republic of Guatemala and this Code, as well as those recognized and guaranteed in the Treaties and in the international conventions ratified by the State of Guatemala".

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 51.

#### 4.9.9. Translation and interpretation

**IMMIGRATION\_94. Does the state provide official translation or interpretation for the process of asylum seekers?**

Answer: Yes

Code: 1

Explanation: Art. 180 of Decree 44-2016 recognizes the right of the applicants for legal assistance and interpreter/translator assistance at all stages of the procedure for the determination of refugee status.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 180.

#### 4.10. Proxy: Co-ethnics

##### 4.10.1. General

**IMMIGRATION\_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).**

**Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?**

Answer: Yes

Code: 1

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans. Co-ethnics have their own path to permanent residence (Art. 78.d of Decree 44-2016) and nationality (Art. 145 of the Guatemalan Constitution), but not for immigration.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

**IMMIGRATION\_96. Register the name of the group(s).**

Answer: Nationals of the republics which constituted the Federation of Central America

Code: Nationals of the republics which constituted the Federation of Central America

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

## 4.10.2. Reasons for co-ethnicity

### IMMIGRATION\_97. Reasons for co-ethnicity.

#### Shared language:

Answer: No

Code: 0

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

#### Shared religion:

Answer: No

Code: 0

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

#### Shared ancestry:

Answer: No

Code: 0

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

#### Citizen of former colony:

Answer: No

Code: 0

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

### **III treatment by country in the past:**

Answer: No

Code: 0

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

### **Self-declaration: avowal to be of country's ethnicity:**

Answer: No

Code: 0

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

### **Other:**

Answer: Yes

Code: 1

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

### **IMMIGRATION\_98. May converts apply?**

Answer: Not applicable

Code: Not applicable



Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.3. Language test**

**IMMIGRATION\_100. What is the required level of language skills?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.4. Place of residence**

**IMMIGRATION\_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.5. Place of application**

**IMMIGRATION\_102. Place of application.**

**Can applicants file an application from outside the territory of the host country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can applicants file an application on host country's territory?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**4.10.6. Date of birth**

**IMMIGRATION\_103. Do applicants need to be born before or after a certain date to be eligible?**

Answer: No

Code: 0

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans. Co-ethnics have their own path to permanent residence (Art. 78.d of Decree 44-2016) and nationality (Art. 145 of the Guatemalan Constitution), but not for immigration.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d.

**4.10.7. Permit validity**

**IMMIGRATION\_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?**

Answer: Nationality is granted right away/after a short period

Code: 0

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

#### **IMMIGRATION\_105. Permit renewal.**

##### **Is it possible to renew a temporary residence permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Is it possible to apply for a permanent resident permit for co-ethnics?**

Answer: Yes, possible to apply for permanent permit after less or equal 1 year

Code: 1

Explanation: The Constitution of Guatemala (Art. 145) recognizes as Guatemalans of origin those nationals of the republics which constituted the Federation of Central America, if they acquire domicile in Guatemala and demonstrate in front of the competent authority, their desire to be Guatemalans. Co-ethnics have their own path to permanent residence (Art. 78.d of Decree 44-2016) and nationality (Art. 145 of the Guatemalan Constitution), but not for immigration.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 178d.

## 5. Immigrant policies

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### 5.1. Permanent residence

#### 5.1.1. Eligibility

##### **IMMIGRANT\_1: General existence of a permanent residence scheme.**

Answer: Yes

Code: 1

Explanation: Permanent residence is regulated in the Decree 44-2016 (Art. 73 and 78).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 73 and 78.

##### **IMMIGRANT\_2: Existence of a permanent residence scheme for different proxies. Do asylum seekers have access to permanent residence?**

Answer: No

Code: 0

Explanation: Asylum seekers do not have access to permanent residence. Only refugees (Art. 46 Governmental Agreement 383-2001).

Sources: Acuerdo Gubernativo N° 383- 2001 [Governmental Agreement 383- 2001]. 2001. Art. 46.

##### **Do refugees have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Refugees can access permanent residence after 5 years of residence (Art. 78 and 185 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78 and 185.

##### **Do co-ethnics have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Co-ethnics can access permanent residence after 1 years of residence (Art. 78 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78.

**Do domestic workers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Temporary residents can access permanent residence after 5 years of residence (Art. 78 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78.

**Do agricultural workers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Temporary residents can access permanent residence after 5 years of residence (Art. 78 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78.

**Do medical doctors have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Temporary residents can access permanent residence after 5 years of residence (Art. 78 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78.

**IMMIGRANT\_3: Required time of habitual residence.**

**How many months of habitual residence are required from asylum seekers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from refugees for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: Refugees can access permanent residence after 5 years of residence (Art. 78 and 185 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78 and 185.

**How many months of habitual residence are required from co-ethnics for accessing permanent residence?**

Answer: 12

Code: 12

Explanation: Co-ethnics can access permanent residence after 1 years of residence (Art. 78 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78.

**How many months of habitual residence are required from domestic workers for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: Temporary residents can access permanent residence after 5 years of residence (Art. 78 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78.

**How many months of habitual residence are required from agricultural workers for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: Temporary residents can access permanent residence after 5 years of residence (Art. 78 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78.

**How many months of habitual residence are required from medical doctors for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: Temporary residents can access permanent residence after 5 years of residence (Art. 78 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 78.

#### **IMMIGRANT\_4: Periods of absence allowed.**

**Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 0

Code: 0

Explanation: There is no provision in the regulation about the periods of absence allowed before granting permanent residence. Thus, it is coded as no periods of absence allowed.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 0

Code: 0

Explanation: There is no provision in the regulation about the periods of absence allowed before granting permanent residence. Thus, it is coded as no periods of absence allowed.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 0

Code: 0

Explanation: There is no provision in the regulation about the periods of absence allowed before granting permanent residence. Thus, it is coded as no periods of absence allowed.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 0

Code: 0

Explanation: There is no provision in the regulation about the periods of absence allowed before granting permanent residence. Thus, it is coded as no periods of absence allowed.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 0

Code: 0

Explanation: There is no provision in the regulation about the periods of absence allowed before granting permanent residence. Thus, it is coded as no periods of absence allowed.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **IMMIGRANT\_5. Result of a regularization process.**

**The regularization process leads to:**

Answer: temporal residence permit

Code: 0.25



Explanation: The regularization plans are those through which the State of Guatemala allows a foreign person living in the national territory with an irregular status, obtain an ordinary migratory status, as regulated by this Code and its regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 106.

#### **IMMIGRANT\_6: Language test.**

**Is there a language requirement for asylum seekers to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for refugees to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No language requirement in main regulations of permanent residence.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No language requirement in main regulations of permanent residence.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is there a language requirement for domestic workers to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No language requirement in main regulations of permanent residence.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No language requirement in main regulations of permanent residence.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Is there a language requirement for medical doctors to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: No language requirement in main regulations of permanent residence.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRANT\_7: Economic resources.**

**Is there an economic resources requirement for applying to permanent residence for asylum seekers?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for refugees?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Refugee applicant must prove that he/she has a stable income or economic solvency.

Sources: Instituto Guatemalteco de Migración. "Solicitud de residencia permanente [Application of Permanent Residence]". Accessed March 15, 2019. <http://igm.gob.gt/wp-content/uploads/2017/08/RESIDENCIA-PERMANENTE-1.pdf>.

**Is there an economic resources requirement for applying to permanent residence for co-ethnics?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: Economic capacity must be proved by the sponsor ("garante"), not by the applicant (Art. 25.3 Agreement 4-2019).

Sources: Instituto Guatemalteco de Migración. "Solicitud de residencia permanente [Application of Permanent Residence]". Accessed March 15, 2019. <http://igm.gob.gt/wp-content/uploads/2017/08/RESIDENCIA-PERMANENTE-1.pdf>. / Acuerdo de Autoridad Migratoria Nacional N° 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 25.3.

**Is there an economic resources requirement for applying to permanent residence for domestic workers?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: Economic capacity must be proved by the sponsor ("garante"), not by the applicant (Art. 25.3 Agreement 4-2019).

Sources: Instituto Guatemalteco de Migración. "Solicitud de residencia permanente [Application of Permanent Residence]". Accessed March 15, 2019. <http://igm.gob.gt/wp-content/uploads/2017/08/RESIDENCIA-PERMANENTE-1.pdf>. / Acuerdo de Autoridad Migratoria Nacional N° 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 25.3.

**Is there an economic resources requirement for applying to permanent residence for agricultural workers?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: Economic capacity must be proved by the sponsor ("garante"), not by the applicant (Art. 25.3 Agreement 4-2019).

Sources: Instituto Guatemalteco de Migración. "Solicitud de residencia permanente [Application of Permanent Residence]". Accessed March 15, 2019. <http://igm.gob.gt/wp-content/uploads/2017/08/RESIDENCIA-PERMANENTE-1.pdf>. / Acuerdo de Autoridad Migratoria Nacional N° 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 25.3.

**Is there an economic resources requirement for applying to permanent residence for medical doctors?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: Economic capacity must be proved by the sponsor ("garante"), not by the applicant (Art. 25.3 Agreement 4-2019).

Sources: Instituto Guatemalteco de Migración. "Solicitud de residencia permanente [Application of Permanent Residence]". Accessed March 15, 2019. <http://igm.gob.gt/wp-content/uploads/2017/08/RESIDENCIA-PERMANENTE-1.pdf>. / Acuerdo de Autoridad Migratoria Nacional N° 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 25.3.

**IMMIGRANT\_8: Cost of application.**

**What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?**

Answer: 700

Code: 700

Explanation: 700 Guatemalan Quetzal.

Sources: Instituto Guatemalteco de Migración. "Tarifas [Fees]". Accessed March 12, 2019. <http://igm.gob.gt/tarifas-extranjeria/>.

**What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?**

Answer: 91

Code: 91

Explanation: 700 Guatemalan Quetzal, which are 91 USD.

Sources: Instituto Guatemalteco de Migración. "Tarifas [Fees]". Accessed March 12, 2019. <http://igm.gob.gt/tarifas-extranjeria/>.

**IMMIGRANT\_9: Employer sponsorship.**

**Do asylum seekers have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: No provision for sponsorship in main regulations (Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

### **Do co-ethnics have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: A sponsor is not required by main regulation (Art. 28 Agreement 4-2019).

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 28.

### **Do domestic have to be sponsored by an employer?**

Answer: yes, sponsorship required

Code: 0

Explanation: Sponsorship (“garante”) is required by main regulations (Art. 25.3 Agreement 4-2019).

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 25.3.

### **Do agricultural workers have to be sponsored by an employer?**

Answer: yes, sponsorship required

Code: 0

Explanation: Sponsorship (“garante”) is required by main regulations (Art. 25.3 Agreement 4-2019).

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 25.3.

### **Do medical doctors have to be sponsored by an employer?**

Answer: yes, sponsorship required

Code: 0

Explanation: Sponsorship (“garante”) is required by main regulations (Art. 25.3 Agreement 4-2019).

Sources: Acuerdo de Autoridad Migratoria Nacional 4-2019 [Agreement of the National Migratory Authority 4-2019]. 2019. Art. 25.3.

## **5.1.2. Security of status**

**IMMIGRANT\_10: Maximum length of application procedure.**

**Maximum length of application procedure for asylum seekers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for asylum seekers:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees in months:**

Answer: 997

Code: 997

Explanation: There is no provision in the immigration regulation about the duration of the procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for refugees:**

Answer: no regulation on maximum length

Code: 0

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for co-ethnics in months:**

Answer: 997

Code: 997

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for co-ethnics:**

Answer: no regulation on maximum length

Code: 0

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for domestic workers in months:**

Answer: 997

Code: 997

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for domestic workers:**

Answer: no regulation on maximum length

Code: 0

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for agricultural workers in months:**

Answer: 997

Code: 997

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for agricultural workers:**

Answer: no regulation on maximum length

Code: 0

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for medical doctors in months:**

Answer: 997

Code: 997

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Maximum length of application procedure for medical doctors:**

Answer: no regulation on maximum length

Code: 0

Explanation: There is no provision in the immigration regulation about the duration of procedure.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRANT\_11: Grounds for rejection.**

**Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Instituto Guatemalteco de Migración. "Solicitud de residencia permanente [Application of Permanent Residence]". Accessed March 15, 2019. <http://igm.gob.gt/wp-content/uploads/2017/08/RESIDENCIA-PERMANENTE-1.pdf>.

**IMMIGRANT\_12: Legal guarantees.**

**Rejection of applications must be reasoned:**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Rejected applicants have the right to appeal:**



Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRANT\_13: Expulsion is precluded for victims of violence or crime.**

**Expulsion is precluded for immigrants of all categories who are victims of violence or crime:**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

## **5.2. Policies of representation**

**IMMIGRANT\_14: Regulation of electoral rights.**

**Subnational electoral rights can be regulated at the subnational level:**

Answer: no

Code: 0

Explanation: Electoral rights are regulated at a national level by the Electoral and Political Parties Law (Decree 1-85) and the Guatemalan Constitution.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Decreto N° 26-2016 [Decree 26-2016]. 2016.

### **5.2.1. Electoral rights**

**IMMIGRANT\_15: Voting eligibility for non-citizens.**

**Does the country have presidential elections?**

Answer: yes

Code: 1

**Does the country have a bicameral system (composed of a lower house and an upper house)?**

Answer: no, the country only has a lower house

Code: 2

#### **Can non-citizen residents vote in national presidential elections?**

Answer: generally disenfranchised

Code: 0

Explanation: Article 2 of Decree No. 1-85 establishes that only Guatemalans older than eighteen years old are considered citizens and Art. 3 establishes that only citizens can exercise suffrage and opt for public office.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007. Art. 2 and 3.

#### **Can non-citizen residents vote in national legislative elections (lower house)? :**

Answer: generally disenfranchised

Code: 0

Explanation: Article 2 of Decree No. 1-85 establishes that only Guatemalans older than eighteen years old are considered citizens and Art. 3 establishes that only citizens can exercise suffrage and opt for public office.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007. Art. 2 and 3.

#### **Can non-citizen residents vote in national legislative elections (upper house)?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRANT\_16: Residence duration-based requirements for active electoral rights.**

##### **Previous residence required for being eligible to vote in presidential elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in lower house elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in upper house elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_17: Registration in the electoral roll for non-citizen residents.**

**Registration in the electoral roll for non-citizen residents:**

Answer: not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_18: Passive electoral rights for non-citizen residents.**

**Can non-citizen residents stand as candidates in national presidential elections?**

Answer: generally disenfranchised

Code: 0

Explanation: Article 2 of Decree No. 1-85 establishes that only Guatemalans older than eighteen years old are considered citizens and Art. 3 establishes that only citizens can exercise suffrage and opt for public office.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007. Art. 2 and 3.

**Can non-citizen residents stand as candidates in national legislative elections (lower house)?**

Answer: generally disenfranchised

Code: 0

Explanation: Article 2 of Decree No. 1-85 establishes that only Guatemalans older than eighteen years old are considered citizens and Art. 3 establishes that only citizens can exercise suffrage and opt for public office.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007. Art. 2 and 3.

**Can non-citizen residents stand as candidates in national legislative elections (upper house)?**

Answer not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_19: Residence duration-based restrictions for passive electoral rights.**

**Previous residence required for being eligible to stand as candidate in presidential elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to stand as candidate in lower house elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **5.2.2. Regulation of participation in parties**

**IMMIGRANT\_20: Emigrant membership to home country political parties.**

**Non-citizen resident membership to state or reception political parties:**

Answer: not regulated

Code: 0.25

Explanation: No restrictions on party membership based on nationality.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007. Art. 2 and 3.

### **5.2.3. Consultative bodies**

**IMMIGRANT\_21: Existence of a consultative body of immigrants acting at the national level.**

**Existence of a consultative body on immigrant issues:**

Answer: no

Code: 0

Explanation: No evidence of the existence of a consultative body for immigrant issues found.

Sources: Decreto N° 1-85 [Decree 1-85]. 2007.

**IMMIGRANT\_22: Structural or ad hoc consultation.**

**The consultation is:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_23: Composition of the consultative body.**

**Composition of the consultative body:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_24: Leadership of the consultative body.**

**Who chairs the consultative body?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_25: Right of initiative to make its own reports or recommendations.**

**The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_26: Right to get a response from the government to recommendation.**

**Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_27: Selection criteria to ensure representativeness.**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographic-balanced consultative body:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **5.3. Economic policies**

### **5.3.1. Access to labor market**

**IMMIGRANT\_28: Migrant access to labor market.**

**Can asylum seekers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Employers are prohibited from employing less than ninety percent of Guatemalan workers and from paying them less than eighty-five percent of the total wages earned in their respective companies, except as provided for in special laws (Art. 13 of Labour Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

**Can refugees access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Employers are prohibited from employing less than ninety percent of Guatemalan workers and from paying them less than eighty-five percent of the total wages earned in their respective companies, except as provided for in special laws (Art. 13 of Labour Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

**Can co-ethnics access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Employers are prohibited from employing less than ninety percent of Guatemalan workers and from paying them less than eighty-five percent of the total wages earned in their respective companies, except as provided for in special laws (Art. 13 of Labour Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

**Can domestic workers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Employers are prohibited from employing less than ninety percent of Guatemalan workers and from paying them less than eighty-five percent of the total wages earned in their respective companies, except as provided for in special laws (Art. 13 of Labour Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

#### **Can agricultural workers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Employers are prohibited from employing less than ninety percent of Guatemalan workers and from paying them less than eighty-five percent of the total wages earned in their respective companies, except as provided for in special laws (Art. 13 of Labour Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

#### **Can medical doctors access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Employers are prohibited from employing less than ninety percent of Guatemalan workers and from paying them less than eighty-five percent of the total wages earned in their respective companies, except as provided for in special laws (Art. 13 of Labour Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

#### **Can permanent residents access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Employers are prohibited from employing less than ninety percent of Guatemalan workers and from paying them less than eighty-five percent of the total wages earned in their respective companies, except as provided for in special laws (Art. 13 of Labour Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 13.

#### **IMMIGRANT\_29: Migrant access to self-employment.**

##### **Can asylum seekers access self-employment?**

Answer: yes, equal access



Code: 1

Explanation: There is no provision in the main regulations, this is interpreted positively, meaning that there are not restrictions for asylum seekers and refugees to access self-employment.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Can refugees access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: There is no provision in the main regulations, this is interpreted positively, meaning that there are not restrictions for asylum seekers and refugees to access self-employment.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Can co-ethnics access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: There is no provision in the main regulations, this is interpreted positively, meaning that there are not restrictions for co-ethnics to access self-employment.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Can domestic workers access self-employment?**

Answer: no

Code: 0

Explanation: Migrant workers (temporary residents) are only authorized to stay in the country to engage in a paid activity, under the dependence and direction of an employer (Article 75 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75.

#### **Can agricultural workers access self-employment?**

Answer: no

Code: 0

Explanation: Migrant workers (temporary residents) are only authorized to stay in the country to engage in a paid activity, under the dependence and direction of an employer (Article 75 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75.

#### **Can medical doctors access self-employment?**

Answer: no

Code: 0

Explanation: Migrant workers (temporary residents) are only authorized to stay in the country to engage in a paid activity, under the dependence and direction of an employer (Article 75 of Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 75.

#### **Can permanent residents access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: No provision in the main regulation but it is assumed that for permanent residents it is possible to be self-employed.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **IMMIGRANT\_30: Migrant access to civil service.**

##### **Can asylum seekers access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: No provision in main regulation restricting access to employment in schools to only Guatemalan nationals.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

##### **Can refugees access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: No provision in main regulation restricting access to employment in schools to only Guatemalan nationals.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

**Can co-ethnics access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: No provision in main regulation restricting access to employment in schools to only Guatemalan nationals.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

**Can domestic workers access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: No provision in main regulation restricting access to employment in schools to only Guatemalan nationals.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

**Can agricultural workers access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: No provision in main regulation restricting access to employment in schools to only Guatemalan nationals.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

**Can medical doctors access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: No provision in main regulation restricting access to employment in schools to only Guatemalan nationals.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

**Can permanent residents access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: No provision in main regulation restricting access to employment in schools to only Guatemalan nationals.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

#### **Can asylum seekers access employment in public administration?**

Answer: no

Code: 0

Explanation: Posts in public administrations are restricted to Guatemalan citizens (Art. 15 Decree 89-2002).

Sources: Decreto N° 89-2002 [Decree 89-2002]. 2002. Art. 15.

#### **Can refugees access employment in public administration?**

Answer: no

Code: 0

Explanation: Posts in public administrations are restricted to Guatemalan citizens (Art. 15 Decree 89-2002).

Sources: Decreto N° 89-2002 [Decree 89-2002]. 2002. Art. 15.

#### **Can co-ethnics access employment in public administration?**

Answer: no

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Explanation: Posts in public administrations are restricted to Guatemalan citizens (Art. 15 Decree 89-2002).

Sources: Decreto N° 89-2002 [Decree 89-2002]. 2002. Art. 15.

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Sources: Decreto N° 89-2002 [Decree 89-2002]. 2002. Art. 15.

#### **Can agricultural workers access employment in public administration?**

Answer: no

Code: 0

Explanation: Posts in public administrations are restricted to Guatemalan citizens (Art. 15 Decree 89-2002).

Sources: Decreto N° 89-2002 [Decree 89-2002]. 2002. Art. 15.

### **Can medical doctors access employment in public administration?**

Answer: no

Code: 0

Explanation: Posts in public administrations are restricted to Guatemalan citizens (Art. 15 Decree 89-2002).

Sources: Decreto N° 89-2002 [Decree 89-2002]. 2002. Art. 15.

### **Can permanent residents access employment in public administration?**

Answer: no

Code: 0

Explanation: Posts in public administrations are restricted to Guatemalan citizens (Art. 15 Decree 89-2002).

Sources: Decreto N° 89-2002 [Decree 89-2002]. 2002. Art. 15.

### **Can asylum seekers access employment in the police?**

Answer: no

Code: 0

Explanation: Only Guatemalan citizens can join the National Civil Police (Art. 18 Decree 11-1997).

Sources: Decreto N° 11-97 [Decree 11-97]. 1997. Art. 18.

### **Can refugees access employment in the police?**

Answer: no

Code: 0

Explanation: Only Guatemalan citizens can join the National Civil Police (Art. 18 Decree 11-1997).

Sources: Decreto N° 11-97 [Decree 11-97]. 1997. Art. 18.

**Can co-ethnics access employment in the police?**

Answer: no

Code: 0

Explanation: Only Guatemalan citizens can join the Natioanl Civil Police (Art. 18 Decree 11-1997).

Sources: Decreto N° 11-97 [Decree 11-97]. 1997. Art. 18.

**Can domestic workers access employment in the police?**

Answer: no

Code: 0

Explanation: Only Guatemalan citizens can join the Natioanl Civil Police (Art. 18 Decree 11-1997).

Sources: Decreto N° 11-97 [Decree 11-97]. 1997. Art. 18.

**Can agricultural workers access employment in the police?**

Answer: no

Code: 0

Explanation: Only Guatemalan citizens can join the Natioanl Civil Police (Art. 18 Decree 11-1997).

Sources: Decreto N° 11-97 [Decree 11-97]. 1997. Art. 18.

**Can medical doctors access employment in the police?**

Answer: no

Code: 0

Explanation: Only Guatemalan citizens can join the Natioanl Civil Police (Art. 18 Decree 11-1997).

Sources: Decreto N° 11-97 [Decree 11-97]. 1997. Art. 18.

**Can permanent residents access employment in the police?**

Answer: no

Code: 0

Explanation: Only Guatemalan citizens can join the Natioanl Civil Police (Art. 18 Decree 11-1997).

Sources: Decreto N° 11-97 [Decree 11-97]. 1997. Art. 18.

**Quotas for preferential hiring of asylum seekers exist:**

Answer: no

Code: 0

Explanation: No provision for quotas in Labor Code.

Sources: Decreto N° 1441 [Decree 1441]. 2011.

**Quotas for preferential hiring of refugees exist:**

Answer: no

Code: 0

Explanation: No provision for quotas in Labor Code.

Sources: Decreto N° 1441 [Decree 1441]. 2011.

**Quotas for preferential hiring of co-ethnics exist:**

Answer: no

Code: 0

Explanation: No provision for quotas in Labor Code.

Sources: Decreto N° 1441 [Decree 1441]. 2011.

**Quotas for preferential hiring of domestic workers exist:**

Answer: no

Code: 0

Explanation: No provision for quotas in Labor Code.

Sources: Decreto N° 1441 [Decree 1441]. 2011.

**Quotas for preferential hiring of agricultural workers exist:**

Answer: no

Code: 0

Explanation: No provision for quotas in Labor Code.

Sources: Decreto N° 1441 [Decree 1441]. 2011.

**Quotas for preferential hiring of medical doctors:**

Answer: no

Code: 0

Explanation: No provision for quotas in Labor Code.

Sources: Decreto N° 1441 [Decree 1441]. 2011.

**Quotas for preferential hiring of permanent residents:**

Answer: no

Code: 0

Explanation: No provision for quotas in Labor Code.

Sources: Decreto N° 1441 [Decree 1441]. 2011.

**Can asylum seekers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: To be an officer of the Army of Guatemala, it is required to be Guatemalan of origin or not have adopted in any time other foreign nationality (Art. 247 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 247.

**Can refugees access employment in the armed forces?**

Answer: no

Code: 0

Explanation: To be an officer of the Army of Guatemala, it is required to be Guatemalan of origin or not have adopted in any time other foreign nationality (Art. 247 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 247.

**Can co-ethnics access employment in the armed forces?**

Answer: no



Code: 0

Explanation: To be an officer of the Army of Guatemala, it is required to be Guatemalan of origin or not have adopted in any time other foreign nationality (Art. 247 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 247.

#### **Can domestic workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: To be an officer of the Army of Guatemala, it is required to be Guatemalan of origin or not have adopted in any time other foreign nationality (Art. 247 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 247.

#### **Can agricultural workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: To be an officer of the Army of Guatemala, it is required to be Guatemalan of origin or not have adopted in any time other foreign nationality (Art. 247 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 247.

#### **Can medical doctors access employment in the armed forces?**

Answer: no

Code: 0

Explanation: To be an officer of the Army of Guatemala, it is required to be Guatemalan of origin or not have adopted in any time other foreign nationality (Art. 247 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 247.

#### **Can permanent residents access employment in the armed forces?**

Answer: no

Code: 0

Explanation: To be an officer of the Army of Guatemala, it is required to be Guatemalan of origin or not have adopted in any time other foreign nationality (Art. 247 Constitution).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 247.

### **5.3.2. Access to support**

#### **IMMIGRANT\_31: Public employment services.**

##### **Can asylum seekers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: No restrictions in main regulations.

Sources: SiARH. "GUATEMPLEO". Accessed July 11, 2019. <https://guatempleo.siarh.gob.gt/>.

##### **Can refugees access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: No restrictions in main regulations.

Sources: SiARH. "GUATEMPLEO". Accessed July 11, 2019. <https://guatempleo.siarh.gob.gt/>.

##### **Can co-ethnics access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: No restrictions in main regulations.

Sources: SiARH. "GUATEMPLEO". Accessed July 11, 2019. <https://guatempleo.siarh.gob.gt/>.

##### **Can domestic workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: No restrictions in main regulations.

Sources: SiARH. "GUATEMPLEO". Accessed July 11, 2019. <https://guatempleo.siarh.gob.gt/>.

### **Can agricultural workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: No restrictions in main regulations.

Sources: SiARH. "GUATEMPLEO". Accessed July 11, 2019. <https://guatempleo.siarh.gob.gt/>.

### **Can medical doctors access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: No restrictions in main regulations.

Sources: SiARH. "GUATEMPLEO". Accessed July 11, 2019. <https://guatempleo.siarh.gob.gt/>.

### **Can permanent residents access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: No restrictions in main regulations.

Sources: SiARH. "GUATEMPLEO". Accessed July 11, 2019. <https://guatempleo.siarh.gob.gt/>.

## **IMMIGRANT\_32: Recognition of qualifications.**

### **Recognition of qualifications acquired abroad by asylum seekers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of degrees is regulated by Article 87 of the Constitution. There is not differentiation between the process applied to Guatemalans and non-citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 87.

### **Recognition of qualifications acquired abroad by refugees:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of degrees is regulated by Article 87 of the Constitution. There is not differentiation between the process applied to Guatemalans and non-citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 87.

**Recognition of qualifications acquired abroad by co-ethnics:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of degrees is regulated by Article 87 of the Constitution. There is not differentiation between the process applied to Guatemalans and non-citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 87.

**Recognition of qualifications acquired abroad by domestic workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of degrees is regulated by Article 87 of the Constitution. There is not differentiation between the process applied to Guatemalans and non-citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 87.

**Recognition of qualifications acquired abroad by agricultural workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of degrees is regulated by Article 87 of the Constitution. There is not differentiation between the process applied to Guatemalans and non-citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 87.

**Recognition of qualifications acquired abroad by medical doctors:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of degrees is regulated by Article 87 of the Constitution. There is not differentiation between the process applied to Guatemalans and non-citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 87.

#### **Recognition of qualifications acquired abroad by permanent residents:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of degrees is regulated by Article 87 of the Constitution. There is not differentiation between the process applied to Guatemalans and non-citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 87.

### **5.3.3. Worker's rights**

#### **IMMIGRANT\_33: Membership in trade unions.**

##### **Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Any worker aged 14 or over may join a trade union (Art. 212 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 212.

##### **Can refugees be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Any worker aged 14 or over may join a trade union (Art. 212 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 212.

##### **Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Any worker aged 14 or over may join a trade union (Art. 212 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 212.

**Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Any worker aged 14 or over may join a trade union (Art. 212 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 212.

**Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Any worker aged 14 or over may join a trade union (Art. 212 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 212.

**Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Any worker aged 14 or over may join a trade union (Art. 212 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 212.

**Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Any worker aged 14 or over may join a trade union (Art. 212 Labor Code).

Sources: Decreto N° 1441 [Decree 1441]. 2011. Art. 212.

#### **IMMIGRANT\_34: Job transferability.**

##### **Can asylum seekers change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The new employer needs to contact the General Direction of Migration to confirm the new contract and status of the employee.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019.

##### **Can refugees change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The new employer needs to contact the General Direction of Migration to confirm the new contract and status of the employee.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019.

##### **Can co-ethnics change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The new employer needs to contact the General Direction of Migration to confirm the new contract and status of the employee.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019.

##### **Can domestic workers change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The new employer needs to contact the General Direction of Migration to confirm the new contract and status of the employee.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019.

##### **Can agricultural workers change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The new employer needs to contact the General Direction of Migration to confirm the new contract and status of the employee.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019.

### **Can medical doctors change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The new employer needs to contact the General Direction of Migration to confirm the new contract and status of the employee.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019.

### **Can permanent residents change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The new employer needs to contact the General Direction of Migration to confirm the new contract and status of the employee.

Sources: Consultation with expert, General Direction of Migration. July 10, 2019.

### **IMMIGRANT\_35: Right to redress.**

#### **Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: All migrant workers have the right of access to the country's administrative authorities and labour courts and to act in accordance with existing national laws (Art. 37 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 37.

#### **Do refugees have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1



Explanation: All migrant workers have the right of access to the country's administrative authorities and labour courts and to act in accordance with existing national laws (Art. 37 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 37.

**Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: All migrant workers have the right of access to the country's administrative authorities and labour courts and to act in accordance with existing national laws (Art. 37 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 37.

**Do domestic workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: All migrant workers have the right of access to the country's administrative authorities and labour courts and to act in accordance with existing national laws (Art. 37 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 37.

**Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: All migrant workers have the right of access to the country's administrative authorities and labour courts and to act in accordance with existing national laws (Art. 37 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 37.

**Do medical doctors have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: All migrant workers have the right of access to the country's administrative authorities and labour courts and to act in accordance with existing national laws (Art. 37 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 37.

**Do permanent residents have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: All migrant workers have the right of access to the country's administrative authorities and labour courts and to act in accordance with existing national laws (Art. 37 Decree 44-2016).

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 37.

### **5.3.4. Property rights**

**IMMIGRANT\_36: Property rights.**

**Can asylum seekers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Art. 123 of the Constitution establishes that only Guatemalans of origin, or companies whose members have the same qualities, may be owners or owners of real estate located in the strip of fifteen kilometers wide along the borders, measured from the dividing line.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 123.

**Can refugees acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Art. 123 of the Constitution establishes that only Guatemalans of origin, or companies whose members have the same qualities, may be owners or owners of real estate located in the strip of fifteen kilometers wide along the borders, measured from the dividing line.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 123.

**Can co-ethnics acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Art. 123 of the Constitution establishes that only Guatemalans of origin, or companies whose members have the same qualities, may be owners or owners of real estate located in the strip of fifteen kilometers wide along the borders, measured from the dividing line.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 123.

### **Can domestic workers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Art. 123 of the Constitution establishes that only Guatemalans of origin, or companies whose members have the same qualities, may be owners or owners of real estate located in the strip of fifteen kilometers wide along the borders, measured from the dividing line.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 123.

### **Can agricultural workers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Art. 123 of the Constitution establishes that only Guatemalans of origin, or companies whose members have the same qualities, may be owners or owners of real estate located in the strip of fifteen kilometers wide along the borders, measured from the dividing line.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 123.

### **Can medical doctors acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Art. 123 of the Constitution establishes that only Guatemalans of origin, or companies whose members have the same qualities, may be owners or owners of real estate located in the strip of fifteen kilometers wide along the borders, measured from the dividing line.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 123.

### **Can permanent residents acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Art. 123 of the Constitution establishes that only Guatemalans of origin, or companies whose members have the same qualities, may be owners or owners of real estate located in the strip of fifteen kilometers wide along the borders, measured from the dividing line.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 123.

## **5.4. Social policies**

### **5.4.1. Family reunification**

#### **Can asylum seekers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees have the right to family reunification. Application can be submitted regardless length of residence in Guatemala.

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

#### **Can refugees bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees have the right to family reunification. Application can be submitted regardless length of residence in Guatemala.

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

#### **Can co-ethnics bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

### **Can domestic workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

### **Can agricultural workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

### **Can medical doctors bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

### **Can permanent residents bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

## Eligibility

### **IMMIGRANT\_37: Resident requirement for ordinary legal residents.**

#### **Residence requirement for ordinary legal residents (asylum seekers). In months:**

Answer: 0

Code: 0

Explanation: Asylum seekers and refugees have the right to family reunification. Application can be submitted regardless length of residence in Guatemala.

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

#### **Residence requirement for ordinary legal residents (asylum seekers):**

Answer: no residence requirement

Code: 1

Explanation: Asylum seekers and refugees have the right to family reunification. Application can be submitted regardless length of residence in Guatemala.

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

#### **Residence requirement for ordinary legal residents (refugees). In months:**

Answer: 0

Code: 0

Explanation: Asylum seekers and refugees have the right to family reunification. Application can be submitted regardless length of residence in Guatemala.

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

#### **Residence requirement for ordinary legal residents (refugees):**

Answer: no residence requirement

Code: 1

Explanation: Asylum seekers and refugees have the right to family reunification. Application can be submitted regardless length of residence in Guatemala.

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Residence requirement for ordinary legal residents (co-ethnics). In months:**

Answer: 0

Code: 0

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 27.

**Residence requirement for ordinary legal residents (co-ethnics):**

Answer: no residence requirement

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 27.

**Residence requirement for ordinary legal residents (domestic workers). In months:**

Answer: 0

Code: 0

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 27.

**Residence requirement for ordinary legal residents (domestic workers):**

Answer: no residence requirement

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 27.

**Residence requirement for ordinary legal residents (agricultural workers). In months:**

Answer: 0

Code: 0

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Residence requirement for ordinary legal residents (agricultural workers):**

Answer: no residence requirement

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Residence requirement for ordinary legal residents (medical doctors). In months:**

Answer: 0

Code: 0

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Residence requirement for ordinary legal residents (medical doctors):**

Answer: no residence requirement

Code: 1



Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Residence requirement for ordinary legal residents (permanent residents). In months:**

Answer: 0

Code: 0

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Residence requirement for ordinary legal residents (permanent residents):**

Answer: no residence requirement

Code: 1

Explanation: Article 27 Decree 44-2016 establish that the consanguineous relatives of migrant workers, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. There is no provision for a residence requirement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**IMMIGRANT\_38: Family members considered for reunification.**

**Family member eligible for reunification (asylum seekers): Spouse.**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (asylum seekers): Children.**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (asylum seekers): Parents.**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (asylum seekers): Grandparents.**

Answer: no

Code: 0

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (refugees): Spouse.**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (refugees): Children.**

Answer: yes

Code: 1

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (refugees): Parents.**

Answer: no

Code: 0

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as including parents and children).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (refugees): Grandparents.**

Answer: no

Code: 0

Explanation: Asylum seekers and refugees can apply for the reunification of their spouse, cohabitant and relatives within the grades of the law (this is interpreted as dependant children by the coder).

Sources: ACNUR Guatemala. "Derechos [Rights]". Accessed June 19, 2019, <https://help.unhcr.org/guatemala/derechos-y-deberes/derechos/>.

**Family member eligible for reunification (co-ethnics): Spouse.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (co-ethnics): Children.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (co-ethnics): Parents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by

coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (co-ethnics): Grandparents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (domestic workers): Spouse.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (domestic workers): Children.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (domestic workers): Parents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (domestic workers): Grandparents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (agricultural workers): Spouse.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (agricultural workers): Children.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (agricultural workers): Parents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (agricultural workers): Grandparents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (medical doctors): Spouse.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (medical doctors): Children.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (medical doctors): Parents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (medical doctors): Grandparents.**

Answer: no



Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (permanent residents): Spouse.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (permanent residents): Children.**

Answer: yes

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (permanent residents): Parents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Family member eligible for reunification (permanent residents): Grandparents.**

Answer: no

Code: 0

Explanation: Article 27 of the Decree 44-2016 establishes that the consanguineous relatives, within the degrees of law, who depend on the migrant worker (this is interpreted as dependend children by coder) and the spouse/cohabiting person can settle down in the country during the duration of the labor activities of the migrant worker.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

*Security of status*

**IMMIGRANT\_39: Length of application procedure.**

**Length of application procedure in months (asylum seekers).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure (asylum seekers).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure in months (refugees).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure (refugees).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure in months (co-ethnics).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure (co-ethnics).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure in months (domestic workers).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure (domestic workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure in months (agricultural workers).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure (agricultural workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure in months (medical doctors).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure (medical doctors).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Length of application procedure in months (permanent residents).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Length of application procedure (permanent residents).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **IMMIGRANT\_40: Duration of permit.**

##### **Duration of validity of permit (asylum seekers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: There is no provision in main regulation. This is interpreted by coder as duration equal to sponsor's residence permit.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

##### **Duration of validity of permit (refugees):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: There is no provision in main regulation. This is interpreted by coder as duration equal to sponsor's residence permit.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

##### **Duration of validity of permit (co-ethnics):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that consanguineous relatives, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration

of the labor activities of the migrant worker. Likewise, the spouse or cohabiting person of the migrant worker. In all cases the corresponding authorizations will be extended and managed according to national legislation. Art. 27 also establishes that family members or accompanying persons in charge of the migrant worker can carry out work activities, obtaining therefore a category of migrant worker, as well as education activities in the national system of education and in the health system.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Duration of validity of permit (domestic workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that consanguineous relatives, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. Likewise, the spouse or cohabiting person of the migrant worker. In all cases the corresponding authorizations will be extended and managed according to national legislation. Art. 27 also establishes that family members or accompanying persons in charge of the migrant worker can carry out work activities, obtaining therefore a category of migrant worker, as well as education activities in the national system of education and in the health system.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Duration of validity of permit (agricultural workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that consanguineous relatives, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. Likewise, the spouse or cohabiting person of the migrant worker. In all cases the corresponding authorizations will be extended and managed according to national legislation. Art. 27 also establishes that family members or accompanying persons in charge of the migrant worker can carry out work activities, obtaining therefore a category of migrant worker, as well as education activities in the national system of education and in the health system.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Duration of validity of permit (medical doctors):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that consanguineous relatives, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. Likewise, the spouse or cohabiting person of the migrant worker. In all cases the corresponding authorizations will be extended and managed according to national legislation. Art. 27 also establishes that family members or accompanying persons in charge of the migrant worker can carry out work activities, obtaining therefore a category of migrant worker, as well as education activities in the national system of education and in the health system.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Duration of validity of permit (permanent residents):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Article 27 of the Decree 44-2016 establishes that consanguineous relatives, within the degrees of law, who depend on the migrant worker can settle down in the country during the duration of the labor activities of the migrant worker. Likewise, the spouse or cohabiting person of the migrant worker. In all cases the corresponding authorizations will be extended and managed according to national legislation. Art. 27 also establishes that family members or accompanying persons in charge of the migrant worker can carry out work activities, obtaining therefore a category of migrant worker, as well as education activities in the national system of education and in the health system.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**IMMIGRANT\_41: Grounds for rejection, withdrawing or refusing to renew status.**

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Break-up of family relationship is a ground for rejecting family reunification application (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):**

Answer: no



Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRANT\_42: Special circumstances.**

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.



Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRANT\_43: Legal guarantees and redress in case of refusal or withdrawal.**

**Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulation.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**IMMIGRANT\_44: Right to autonomous permit.**

**Right to autonomous residence permit for partners and children at age of majority (asylum seekers):**

Answer: right after reunification

Code: 1

Explanation: No specific provision in regulations. It is interpreted by coder that families received the treatment of asylum seekers.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Right to autonomous residence permit for partners and children at age of majority (refugees):**

Answer: right after reunification

Code: 1

Explanation: No specific provision in regulations. It is interpreted by coder that families received the treatment of refugees.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Right to autonomous residence permit for partners and children at age of majority (co-ethnics):**

Answer: right after reunification

Code: 1

Explanation: Art. 27 of Decree 44-2016 establishes that members of the family received the category of migrant workers.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Right to autonomous residence permit for partners and children at age of majority (domestic workers):**

Answer: right after reunification

Code: 1

Explanation: Art. 27 of Decree 44-2016 establishes that members of the family received the category of migrant workers.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Right to autonomous residence permit for partners and children at age of majority (agricultural workers):**

Answer: right after reunification

Code: 1

Explanation: Art. 27 of Decree 44-2016 establishes that members of the family received the category of migrant workers.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Right to autonomous residence permit for partners and children at age of majority (medical doctors):**

Answer: right after reunification

Code: 1

Explanation: Art. 27 of Decree 44-2016 establishes that members of the family received the category of migrant workers.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

**Right to autonomous residence permit for partners and children at age of majority (permanent residents):**

Answer: right after reunification

Code: 1

Explanation: Art. 27 of Decree 44-2016 establishes that members of the family received the category of migrant workers.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 27.

## 5.4.2. Education

### **IMMIGRANT\_45: Access to education.**

#### **Children of asylum seekers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Article 7 of the Decree 44-2016 establishes that all foreigners have the right to education within the national education system and the higher education system. Moreover, Art. 53 of the Decree 44-2016 establishes that applicants for the recognition of refugee status or political asylum have the right to have a personal document in order to access education and health services.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 7 and 53.

#### **Children of refugees have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Article 7 of the Decree 44-2016 establishes that all foreigners have the right to education within the national education system and the higher education system. Moreover, Art. 74 of the Constitution establishes that all inhabitants have the right and the obligation to receive initial, pre-primary, primary and basic education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 7. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 74.

#### **Children of co-ethnics have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Article 7 of the Decree 44-2016 establishes that all foreigners have the right to education within the national education system and the higher education system. Moreover, Art. 74 of the Constitution establishes that all inhabitants have the right and the obligation to receive initial, pre-primary, primary and basic education.



Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 7. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 74.

**Children of domestic workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Article 7 of the Decree 44-2016 establishes that all foreigners have the right to education within the national education system and the higher education system. Moreover, Art. 74 of the Constitution establishes that all inhabitants have the right and the obligation to receive initial, pre-primary, primary and basic education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 7. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 74.

**Children of agricultural workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Article 7 of the Decree 44-2016 establishes that all foreigners have the right to education within the national education system and the higher education system. Moreover, Art. 74 of the Constitution establishes that all inhabitants have the right and the obligation to receive initial, pre-primary, primary and basic education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 7. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 74.

**Children of medical doctors have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Article 7 of the Decree 44-2016 establishes that all foreigners have the right to education within the national education system and the higher education system. Moreover, Art. 74 of the Constitution establishes that all inhabitants have the right and the obligation to receive initial, pre-primary, primary and basic education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 7. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 74.

**Children of permanent residents have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Article 7 of the Decree 44-2016 establishes that all foreigners have the right to education within the national education system and the higher education system. Moreover, Art. 74 of the Constitution establishes that all inhabitants have the right and the obligation to receive initial, pre-primary, primary and basic education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 7. / Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 74.

#### **IMMIGRANT\_46: Access to higher education.**

##### **Asylum seekers and their children have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: All foreigners have the right to education within the national education system and the higher education system, in accordance with the provisions of the Migration Code and the specific legislative dispositions in education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

##### **Refugees have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: All foreigners have the right to education within the national education system and the higher education system, in accordance with the provisions of the Migration Code and the specific legislative dispositions in education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

##### **Co-ethnics have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: All foreigners have the right to education within the national education system and the higher education system, in accordance with the provisions of the Migration Code and the specific legislative dispositions in education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

##### **Domestic workers have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: All foreigners have the right to education within the national education system and the higher education system, in accordance with the provisions of the Migration Code and the specific legislative dispositions in education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Agricultural workers have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: All foreigners have the right to education within the national education system and the higher education system, in accordance with the provisions of the Migration Code and the specific legislative dispositions in education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 7.

#### **Medical doctors have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: All foreigners have the right to education within the national education system and the higher education system, in accordance with the provisions of the Migration Code and the specific legislative dispositions in education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **Permanent residents have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: All foreigners have the right to education within the national education system and the higher education system, in accordance with the provisions of the Migration Code and the specific legislative dispositions in education.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

#### **IMMIGRANT\_47: Support for language instruction.**

##### **Provision of education support in language(s) of instruction for migrant pupils:**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

#### **IMMIGRANT\_48: Intercultural education.**

**Intercultural education is included in pre-service training in order to qualify as a teacher:**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

#### **IMMIGRANT\_49: Integration in teachers' syllabus.**

**Migration and integration are obligatory topics in professional development training:**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

### **5.4.3. Health care**

#### **IMMIGRANT\_50: Conditions for inclusion in the health care system**

**Conditions for inclusion of asylum seekers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Conditions for inclusion of refugees in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Conditions for inclusion of co-ethnics in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Conditions for inclusion of domestic workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Conditions for inclusion of agricultural workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Conditions for inclusion of medical doctors in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Conditions for inclusion of permanent residents in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**IMMIGRANT\_51: Coverage of health care services.**

**Health care coverage for asylum seekers.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Health care coverage for refugees.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

**Health care coverage for co-ethnics.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

#### **Health care coverage for domestic workers.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

#### **Health care coverage for agricultural workers.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

#### **Health care coverage for medical doctors.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

#### **Health care coverage for permanent residents.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of Decree 90-97 establishes that all residents of the Republic of Guatemala have the right to the prevention, promotion, recovery and rehabilitation of their health, without discrimination of any kind.

Sources: Decreto N° 90-97 [Decree 90-97]. 1997. Art. 1.

#### **5.4.4. Unemployment benefits**

##### **IMMIGRANT\_52: Unemployment benefits.**

###### **Access of asylum seekers to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: Not applicable

Sources: Not applicable

###### **Access of refugees to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: Not applicable

Sources: Not applicable

###### **Access of co-ethnics to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: Not applicable

Sources: Not applicable

###### **Access of domestic workers to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: Not applicable

Sources: Not applicable



**Access of agricultural workers to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Access of medical doctors to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Access of permanent residents to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: Not applicable

Sources: Not applicable

### **5.4.5. Retirement benefits**

**IMMIGRANT\_53: Retirement benefits.**

**Access of asylum seekers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Article 27 of Decree 295 establishes that the inhabitants of Guatemala who are an active part of the production process of articles or services, are obliged to contribute to the maintenance of the social security system in proportion to their income and have the right to receive benefits for themselves for their relatives who depend economically on them, in the extension and quality of said benefits that are compatible with the minimum of protection that the social interest and stability require that they be granted.

Sources: Decreto N° 295 [Decree 295]. 1946. Art. 27.

**Access of refugees to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Article 27 of Decree 295 establishes that the inhabitants of Guatemala who are an active part of the production process of articles or services, are obliged to contribute to the maintenance of the social security system in proportion to their income and have the right to receive benefits for themselves for their relatives who depend economically on them, in the extension and quality of said benefits that are compatible with the minimum of protection that the social interest and stability require that they be granted.

Sources: Decreto N° 295 [Decree 295]. 1946. Art. 27.

**Access of co-ethnics to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Article 27 of Decree 295 establishes that the inhabitants of Guatemala who are an active part of the production process of articles or services, are obliged to contribute to the maintenance of the social security system in proportion to their income and have the right to receive benefits for themselves for their relatives who depend economically on them, in the extension and quality of said benefits that are compatible with the minimum of protection that the social interest and stability require that they be granted.

Sources: Decreto N° 295 [Decree 295]. 1946. Art. 27.

**Access of domestic workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Article 27 of Decree 295 establishes that the inhabitants of Guatemala who are an active part of the production process of articles or services, are obliged to contribute to the maintenance of the social security system in proportion to their income and have the right to receive benefits for themselves for their relatives who depend economically on them, in the extension and quality of said benefits that are compatible with the minimum of protection that the social interest and stability require that they be granted.

Sources: Decreto N° 295 [Decree 295]. 1946. Art. 27.

**Access of agricultural workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Article 27 of Decree 295 establishes that the inhabitants of Guatemala who are an active part of the production process of articles or services, are obliged to contribute to the maintenance of

the social security system in proportion to their income and have the right to receive benefits for themselves for their relatives who depend economically on them, in the extension and quality of said benefits that are compatible with the minimum of protection that the social interest and stability require that they be granted.

Sources: Decreto N° 295 [Decree 295]. 1946. Art. 27.

#### **Access of medical doctors to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Article 27 of Decree 295 establishes that the inhabitants of Guatemala who are an active part of the production process of articles or services, are obliged to contribute to the maintenance of the social security system in proportion to their income and have the right to receive benefits for themselves for their relatives who depend economically on them, in the extension and quality of said benefits that are compatible with the minimum of protection that the social interest and stability require that they be granted.

Sources: Decreto N° 295 [Decree 295]. 1946. Art. 27.

#### **Access of permanent residents to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Article 27 of Decree 295 establishes that the inhabitants of Guatemala who are an active part of the production process of articles or services, are obliged to contribute to the maintenance of the social security system in proportion to their income and have the right to receive benefits for themselves for their relatives who depend economically on them, in the extension and quality of said benefits that are compatible with the minimum of protection that the social interest and stability require that they be granted.

Sources: Decreto N° 295 [Decree 295]. 1946. Art. 27.

## **5.5. Cultural policies**

### **IMMIGRANT\_54: Funding for bilingual education.**

**Is there public funding for bilingual education in the language of majoritarian migrant groups?**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto N° 12-91 [Decree 12-91]. 1991.

**IMMIGRANT\_55: Funding for media on main migrant group's language.**

**Is there public funding for media in the language of the main migrant group?**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Not applicable

## **5.6. Mobility policies**

### **5.6.1. Identity documents**

**IMMIGRANT\_56: Confiscation of identification documents.**

**Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated by anyone.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated by anyone.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated by anyone.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated by anyone.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated by anyone.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Do medical doctors have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated by anyone.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

**Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated by anyone.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016.

## 5.6.2. Freedom of movement

**IMMIGRANT\_57: Freedom of movement within country.**

**Do asylum seekers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Art. 48 of Decree 44-2016 establishes that refugees and asylum seekers have the right of free movement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 48.

**Do refugees have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Art. 48 of Decree 44-2016 establishes that refugees and asylum seekers have the right of free movement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 48.

**Do co-ethnics have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Do domestic workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Do agricultural workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Do medical doctors have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Do permanent residents have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**IMMIGRANT\_58: Freedom to move outside the country.**

**Do asylum seekers have the right to leave the country?**

Answer: no

Code: 0

Explanation: Regulations only refer to internal freedom of movement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 48.

**Number of months of absence allowed per year (asylum seekers):**

Answer: not applicable

Code: not applicable

Explanation: not applicable

Sources: not applicable

**Do refugees have the right to leave the country?**

Answer: no

Code: 0

Explanation: Regulations only refer to internal freedom of movement.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 48.

**Number of months of absence allowed per year (refugees):**

Answer: not applicable

Code: not applicable

Explanation: not applicable

Sources: not applicable

**Do co-ethnics have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Number of months of absence allowed per year (co-ethnics):**

Answer: 12

Code: 12



Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Do domestic workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Number of months of absence allowed per year (domestic workers):**

Answer: 12

Code: 12

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Do agricultural workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

**Number of months of absence allowed per year (agricultural workers):**

Answer: 12

Code: 12

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

### **Do medical doctors have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

### **Number of months of absence allowed per year (medical doctors):**

Answer: 12

Code: 12

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

### **Do permanent residents have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

### **Number of months of absence allowed per year (permanent residents):**

Answer: 12

Code: 12

Explanation: Article 30 of Decree 44-2016 establishes that immigrant workers and their families or companions, during their stay as workers may enter and leave the country as many times as necessary.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 30.

### **5.6.3. Obligations**

### **5.6.4. Military service**

**IMMIGRANT\_59: Military service.**

**Do asylum seekers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

**Do refugees have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

**Do co-ethnics have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

**Do domestic workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

#### **Do agricultural workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

#### **Do medical doctors have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

#### **Do permanent residents have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

### **5.6.5. Social service**

#### **IMMIGRANT\_60: Social service.**

#### **Do asylum seekers have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

**Do refugees have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

**Do co-ethnics have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

**Do domestic workers have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

**Do agricultural workers have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

**Do medical doctors have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

#### **Do permanent residents have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Military and social service are only considered duties of Guatemalan citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 135.

### **5.6.6. Taxes**

#### **IMMIGRANT\_61: Income taxes.**

##### **Do asylum seekers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxes are applied to economic activities that take place in Guatemalan territory. Moreover, Article 35 of Decree 44-2016 establishes that migrant workers are subject to the payment of taxes, fees, excise taxes and fines established in a general and specific way in the national law.

Sources: Decreto N° 26-92 [Decree 26-92]. 1992 (2012). / Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 35. / Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 35.

##### **Do refugees have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxes are applied to economic activities that take place in Guatemalan territory. Moreover, Article 35 of Decree 44-2016 establishes that migrant workers are subject to the payment of taxes, fees, excise taxes and fines established in a general and specific way in the national law.

Sources: Decreto N° 26-92 [Decree 26-92]. 1992 (2012). / Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 35.

### **Do co-ethnics have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxes are applied to economic activities that take place in Guatemalan territory. Moreover, Article 35 of Decree 44-2016 establishes that migrant workers are subject to the payment of taxes, fees, excise taxes and fines established in a general and specific way in the national law.

Sources: Decreto N° 26-92 [Decree 26-92]. 1992 (2012). / Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 35.

### **Do domestic workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxes are applied to economic activities that take place in Guatemalan territory. Moreover, Article 35 of Decree 44-2016 establishes that migrant workers are subject to the payment of taxes, fees, excise taxes and fines established in a general and specific way in the national law.

Sources: Decreto N° 26-92 [Decree 26-92]. 1992 (2012). / Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 35.

### **Do agricultural workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxes are applied to economic activities that take place in Guatemalan territory. Moreover, Article 35 of Decree 44-2016 establishes that migrant workers are subject to the payment of taxes, fees, excise taxes and fines established in a general and specific way in the national law.

Sources: Decreto N° 26-92 [Decree 26-92]. 1992 (2012). / Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 35.

### **Do medical doctors have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxes are applied to economic activities that take place in Guatemalan territory. Moreover,

Article 35 of Decree 44-2016 establishes that migrant workers are subject to the payment of taxes, fees, excise taxes and fines established in a general and specific way in the national law.

Sources: Decreto N° 26-92 [Decree 26-92]. 1992 (2012). / Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 35.

#### **Do permanent residents have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Tax legislation in Guatemala is based on the principle of territoriality. With few exceptions, taxes are applied to economic activities that take place in Guatemalan territory. Moreover, Article 35 of Decree 44-2016 establishes that migrant workers are subject to the payment of taxes, fees, excise taxes and fines established in a general and specific way in the national law.

Sources: Decreto N° 26-92 [Decree 26-92]. 1992 (2012). / Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 35.

## **5.7. Administration**

### **IMMIGRANT\_62: Existence of immigrant integration agency in state of reception.**

#### **Existence of institution/agency with competencies for immigrant policies:**

Answer: yes

Code: 1

Explanation: Guatemalan Institute of Migration or General Direction of Migration Guatemala (Instituto Guatemalteco de Migración/ Dirección General de Migración de Guatemala): it is a decentralized unit of the Executive, subordinated to the Ministry of Governance and has exclusive competence for the execution of the Migratory Policy. It is in charge of immigration policy and immigrant policy.

Sources: Decreto N° 44-2016 [Decree 44-2016]. 2016. Art. 120.

#### **Name of the institution with competencies for immigrant policies in original language:**

Answer: Guatemalan Institute of Migration or General Direction of Migration Guatemala

#### **Name of the institution with competencies for immigrant policies in English:**

Answer: Instituto Guatemalteco de Migración/ Dirección General de Migración de Guatemala

#### **Access to antidiscrimination body.**

**Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as**



**eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):**

Answer: Yes

Code: 1

Explanation: Immigrants in Guatemala can access the procurator's office, however it is not explicitly mentioned in the regulations (Article 13 of Decree 54-86).

Sources: Procuraduría de Derechos Humanos. "Funciones y atribuciones [Function and Competences]". Accessed March 18, 2019. <https://www.pdh.org.gt/funciones-y-atribuciones/>.

## 6. Immigrant citizenship and nationality

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### 6.1. Immigrant nationality

#### 6.1.1. Immigrant dual nationality

**IMNAT\_1: Renunciation of previous nationality.**

**Does the country require applicants to naturalization by residence to renounce their previous nationality?**

Answer: Yes

Code: 0

Explanation: Article 11 Nationality Law Decree 1613 includes as a requisite to acquire Guatemalan nationality the renunciation of the nationality of origin. Article 37 Nationality Law Decree 1613: Once the agreement has been issued, nationality shall be granted in a solemn act presided over by the Minister or Vice-Minister of Foreign Affairs. In this act, which will preferably be collective, the applicant or applicants must personally appear and renounce any previous nationality, to which effect the official presiding over the act will direct the following question: "Do you renounce your nationality of origin as any other that might correspond to you and, consequently, the invocation of foreign sovereignty against Guatemala? If the persons respond affirmatively, the official will take the following oath: "Do you swear to respect the Constitution and the laws of the Republic, to behave as an exemplary citizen(s), and to defend the dignity and sovereignty of Guatemala?"<sup>7</sup> Taken the oath, the official will pronounce the following declaration: "In such virtue, in the name of the Republic I grant you the Guatemalan nationality, making you know that from this moment you enjoy the rights inherent to it, and that you contract the obligations that the same one implies and a solemn commitment of honor for Guatemala". Article 145 Constitution establishes that nationals of Central Americans. Guatemalans of origin are also considered, nationals by birth, of the republics that constituted the Federation of Central America, if they acquire domicile in Guatemala and manifest before a competent authority, their desire to be Guatemalan. In that case, they may retain their nationality of origin, without prejudice to what is established in Central American treaties or agreements.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145. / Decreto N° 1613 [Decree 1613]. 1966. Art. 11 and 37.

**Citizenship can be withdrawn only if person resides outside the country:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are there exceptions?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMNAT\_1\_1: Sanctions.**

**Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?**

Answer: Yes

Code: 1

Explanation: Article 65 Nationality Law Decree 1613 establishes the sanctions for fraud regarding naturalization. Article 66 Nationality Law Decree 1613 The persons who commit any of the transgressions listed in Article 65 shall incur for each time a fine of between five hundred and five thousand quetzales, which shall be paid by the will be graded according to the economic conditions of the offender and the circumstances of the case. (...).

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Decreto N° 1613 [Decree 1613]. 1966. Art. 65 and 66.

### **6.1.2. Emigrant dual nationality for immigrants who naturalized**

#### **IMNAT\_2: Emigrant dual nationality for naturalized immigrants.**

**Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?**

Answer: No provision

Code: 1

Explanation: There is no provision in the main regulation.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Decreto N° 1613 [Decree 1613]. 1966.

### **6.1.3. Loss of nationality after residence abroad for naturalized immigrants**

#### **IMNAT\_3: Loss after residence abroad for naturalized immigrants**

**For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad**

Answer: Authorities have arbitrary power to withdraw citizenship

Code: 0

Explanation: After four years of absence from Guatemala.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 53.

#### **After how many years abroad?**

Answer: 4

Code: 4

Explanation: After four years of absence from Guatemala.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 53.

### **6.1.4. Unrestrictive jus soli**

#### **IMNAT\_4: Unrestrictive jus soli.**

**Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?**

Answer: Yes

Code: 1

Explanation: They are Guatemalans of origin, those born in the territory of the Republic of Guatemala, Guatemalan ships and aircraft, and the children of the Guatemalan father or mother, born abroad. Exceptions are children of diplomatic officials and those holding legally equivalent positions. No Guatemalan by origin may be deprived of his or her nationality.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 144.

### **6.1.5. Qualified jus soli**

#### **IMNAT\_5: Qualified jus soli.**

**Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about acquisition of nationality by qualified jus soli

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Decreto N° 1613 [Decree 1613]. 1966.

### 6.1.6. Standard naturalization procedure for immigrants due to residence

#### IMNAT\_6: Ordinary naturalization.

**Does the country provide for standard naturalization procedure for immigrants due to residence in it?**

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: Yes, if a person has been resident in Guatemala for 5 continuously years or 10 years in total. Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1°.- Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2°.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3°.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

**Number of years of residence required for naturalization:**

Answer: 10

Code: 10

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1°.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2°.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3°.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the

Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

**Number of continuous years of residence required for naturalization:**

Answer: 5

Code: 5

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1º.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2º.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3º.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

**Permanent residence status is required for naturalization:**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

**Renunciation of previous nationality is required:**

Answer: No renunciation requirement

Code: 0

Explanation: No renunciation requirement in main regulations.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **Language condition for naturalization:**

Answer: No language condition in the law

Code: 0

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1º.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2º.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3º.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **Civil knowledge is a requisite for naturalization:**

Answer: No naturalization test or cultural assimilation condition

Code: 0

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1º.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2º.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3º.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **Clean criminal record is a requisite:**

Answer: No criminal record or good character condition

Code: 0

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1º.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2º.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3º.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

#### **Economic resources as requisite for naturalization:**

Answer: No requirement on income, employment, or welfare dependency

Code: 0

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1º.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2º.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3º.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **6.1.7. Socialization based acquisition of citizenship**

**IMNAT\_7: Naturalization by socialization.**

**Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?**



Answer: No provision

Code: 0

Explanation: No provision in main regulations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **6.1.8. Special procedure for immigrants with very long residence in country**

**IMNAT\_8: Long residence.**

**Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?**

Answer: Yes

Code: 1

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1º.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2º.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3º.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Sarazua, J. "Informe sobre la ciudadanía: Guatemala [Citizenship Report: Guatemala]". Fiesole: EUDO Citizenship Observatory, 2016. Access date not available. / Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **6.1.9. Preferential naturalization for immigrants from specific countries**

**IMNAT\_9: Preferential naturalization by country.**

**Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?**

Answer: Yes

Code: 1

Explanation: Yes, in the case of citizens of former Central American Federation countries they can access to nationality in case of been a permanent resident of Guatemala.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145.

### **6.1.10. Cultural affinity/Ethnic ties**

**IMNAT\_10: Preferential naturalization due to cultural or ethnic ties.**

**Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?**

Answer: Yes

Code: 1

Explanation: Yes, if a person has been resident in Guatemala for 2 years uninterrupted and resided in another Central American country for 3 years before arriving in Guatemala.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **6.1.11. Spousal transfer**

**IMNAT\_11: Spousal transfer.**

**Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about acquisition of nationality by spousal transfer.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Decreto N° 1613 [Decree 1613]. 1966.

### **6.1.12. Filial transfer**

**IMNAT\_12: Filial transfer.**

**Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about acquisition of nationality by filial transfer.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Decreto N° 1613 [Decree 1613]. 1966.

### **6.1.13. Special naturalization for refugees**

**IMNAT\_13: Refugees.**

**Does the country facilitate the acquisition of nationality by a refugee in its territory?**

Answer: No

Code: 0

Explanation: There is no provision in the main regulations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Decreto N° 1613 [Decree 1613]. 1966.

### **6.1.14. Naturalization for special achievements/talents**

**IMNAT\_14: Special talents.**

**Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?**

Answer: Yes

Code: 1

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1°.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2°.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3°.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have

resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **6.1.15. Naturalization due to investment/financial assets**

**IMNAT\_15: Special talents.**

**Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about naturalization due to investment/financial assets.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145. / Decreto N° 1613 [Decree 1613]. 1966.

### **6.1.16. Transfer to other relatives**

**IMNAT\_16: Transfer to other relatives.**

**Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about acquisition of nationality through other relatives.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 145. / Decreto N° 1613 [Decree 1613]. 1966.

### **6.1.17. Nationality for the stateless**

**IMNAT\_17: Stateless.**

**Does the country facilitate the naturalization of a stateless person in its territory?**

Answer: Yes

Code: 1

Explanation: Article 33 Decree 1613 Concessional naturalization shall be requested to the Departmental Governors, where the file will be substantiated, and may be granted in any of the following cases: 1º.-Because the petitioner has his/her domicile in the Republic and has resided during the five immediately preceding years, provided that they had not been absent from the territory, within that period, for more than six consecutive months or periods that added equals one year or more. 2º.-By having the petitioner domicile in the Republic and having resided in added ten years or more. 3º.-To foreigners who have their domicile in the Republic and who have resided there the two immediately preceding years, provided they have not been absent from the national territory, within that period, more than one month or periods added together give more than two months, and are included in any of the following cases: a) If they have rendered important services to Guatemala or contributed to its economic, social or cultural development, in a way that, in the opinion of the Executive, be worthy of consideration b) If the three years prior to their arrival in Guatemala have resided in a Central American country c) If they have a recognized scientific, artistic or philanthropic merit; d) If they were stateless or of an indeterminate nationality.

Sources: Decreto N° 1613 [Decree 1613]. 1966. Art. 33.

### **6.1.18. Nationality for regularized immigrants**

**IMNAT\_18: Regularization.**

**Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?**

Answer: No differentiation

Code: 0.5

Explanation: There is no provision in the main regulations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. / Decreto N° 1613 [Decree 1613]. 1966.

### **6.1.19. Naturalization possible even if applicant had irregular status before**

**IMNAT\_19: Irregular status.**

**Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?**

Answer: No

Code: 0

Explanation: There is no provision in the main regulations.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

## 6.2. Immigrant citizenship

### 6.2.1. Restrictions on citizenship for naturalized immigrants

**IMCIT\_1: Restrictions for naturalized immigrants.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?**

Answer: Yes

Code: 1

Explanation: Yes, i.e. just Guatemalans from origin can stand as candidates for lower house elections  
Article 162 of the Constitution: Requirements for the office of deputy. In order to be elected as a deputy, it is required to be Guatemalan from origin and be in the exercise of their rights as citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985.

**For how long are the restrictions applied?**

Answer: Indefinitely

Code: 0

Explanation: Only Guatemalans from origin can stand as candidates for lower house elections.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 162.

**Do the restrictions apply to electoral rights?**

Answer: Yes

Code: 1

Explanation: Only Guatemalans from origin can stand as candidates for lower house elections. Article 162 of the Constitution: Requirements for the office of deputy. In order to be elected as a deputy, it is required to be Guatemalan from origin and be in the exercise of their rights as citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 162.

### **Do the restrictions apply to public office posts?**

Answer: No

Code: 0

Explanation: Only Guatemalans from origin can stand as candidates for lower house elections. Article 162 of the Constitution: Requirements for the office of deputy. In order to be elected as a deputy, it is required to be Guatemalan from origin and be in the exercise of their rights as citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 162.

### **Other type of restrictions**

Answer: No

Code: 0

Explanation: Only Guatemalans from origin can stand as candidates for lower house elections. Article 162 of the Constitution: Requirements for the office of deputy. In order to be elected as a deputy, it is required to be Guatemalan from origin and be in the exercise of their rights as citizens.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 162.

## **6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized**

### **IMCIT\_2. Loss or suspension of citizenship.**

**Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: Yes

Code: 1

Explanation: Yes, Guatemalans citizens abroad (this includes naturalized persons) have only the right to vote for national elections. I

Sources: Decreto N° 26-2016 [Decree 26-2016]. 2016.

### **Are these rights recovered upon return?**

Answer: yes

Code: 1

Explanation: Guatemalans citizens abroad (this includes naturalized persons) have just the right to vote for national elections. The right reactivates when the immigrants go back to Guatemala.

Sources: Decreto N° 26-2016 [Decree 26-2016]. 2016.

### **6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals**

**IMCIT\_3: Restrictions for naturalized immigrants who are dual nationals.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?**

Answer: No

Code: 0

Explanation: Only Guatemalans from origin can stand as candidates for lower house elections.

Sources: Constitución política de la República de Guatemala [Constitution of the Republic of Guatemala]. 1985. Art. 162.

**How long do the restrictions apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to electoral rights?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to public office post?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Other type of restrictions (beyond electoral and public office posts).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable