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Guatemalan Immigration to Oregon

Indigenous Transborder Communities

LYNN STEPHEN

BEGINNING IN THE 1980s, people from Guatemalan communities suffering high levels of political violence began building networks and sister communities in Oregon. Through the construction of transborder communities — which extend historical bases to other places, across national, racial, and ethnic borders, and link them through economic and social networks — Guatemalan migrants have settled into Oregon. They have established a significant presence among the state’s diverse Latino populations. Like the Mexicans who have immigrated to Oregon, Guatemalan migrants have brought with them a great diversity of Indigenous languages and cultures. There are at least four different linguistic and ethnic Guatemalan Maya groups in Oregon (Mam, Akateko, Kanjobal, and Quiché).¹ Like other migrants, Guatemalans in Oregon are strongly connected to multi-sited “home” communities spread throughout Guatemala, Mexico, and the United States through multiple migration flows that cross generations.

This article tells the story of Guatemalan migration to and settlement in Oregon through the lens of Mam Indigenous people who have made the journey primarily during the past fifteen years. Understanding why Guatemalans have had to flee their country and build new communities in Oregon requires understanding the history of the Guatemalan civil war and its violent aftermath, from 1980 to the present. There are Indigenous migrants in Oregon from a variety of counties in Guatemala. I will focus here on the municipality of Todos Santos Cuchumatán, Huehuetenango, offering it as a case study by using the stories of people from Todos Santos to build the story of Indigenous Guatemalan migration to Oregon. The narratives included here have been created as part of a collaborative research project involving Indigenous Guatemalans seeking different types of asylum in the



LOCATED AT THE MUNICIPAL CENTER, this sign states “Welcome to the Land of Vibrant Mam Mayan Culture: Todos Santos Cuchumatán.” The map to the left of the sign shows smaller villages and hamlets in the municipality (county) of Todos Santos territory.

United States. All interviewees’ names and identifying information have been changed to protect their identities, and the text has been translated and slightly edited for publication here.

1980–2004: THE GUATEMALAN CIVIL WAR, AFTERMATH, AND LINKS TO MIGRATION TO OREGON

The 1980 U.S. Census recorded 62,098 Guatemalan Americans, with 46 percent having arrived between 1975 and 1980.² Systematic violence was ravaging many communities in Guatemala in the late 1970s, pushing people to flee to other parts of Guatemala, to Mexico, and to the United States. A civil war begun in the 1950s was expanding in the late 1970s, and the Guate-

malan army targeted Indigenous communities with a campaign of genocide, scorched earth missions to burn entire villages, forced displacement, and the hunting of survivors. “La Violencia” is often identified as extending from 1978 to 1984, but anthropologist Victoria Sanford suggests that it should extend later and include selective violence, such as the last bombings in the Ixil mountains in 1990, and conclude in 1996, when peace accords were signed and local civil patrols supervised by military commanders were finally disarmed in most locations. The official statistics of Guatemala’s “La Violencia” include 440 massacres in villages burned off the map, 1.5 million people displaced, 150,000 who fled into refuge and more than 200,000 dead or disappeared.³ The report of the Commission for Historical Clarification attributes blame to the Guatemalan army for 93 percent of the human rights violations. Evidence demonstrates that U.S. foreign policy in Guatemala upheld the military dictators and authoritarian regimes that engaged in a practice of genocide against largely Indigenous communities in the name of eradicating guerilla movements.⁴ Below, I share the testimony of one Mam migrant who witnessed the terrible violence of the 1980s and beyond. I share his in-depth story to help readers understand the circumstances behind the ever-increasing numbers of Guatemalans who continued to flee to the United States, including to Oregon, from 1980 to 2004. This period includes people who fled from wartime violence in the 1980s and the continued impact of the conflict through the period of the Peace Accords (1996) and into the establishment of new institutions in the justice system through legal reforms, which at least on paper began to articulate Indigenous rights, children’s rights, and gender rights. Unfortunately, as seen in the stories below, these reforms did not change the situation on the ground for many communities.

Jorge Pablo Vicente was born in the 1960s. He described his early childhood as calm and easy going, but he also has a vivid recall of the later period known as “La Violencia.” He fled to the Pacific Northwest in the late 2000s after he was delegated in a community assembly to participate on a local security committee. As a member of a non-violent Christian church, Vicente did not want to participate in this group, which physically punished people who violated social norms and local laws. He comes from a family of farmers and spent much of his childhood working in the fields when not in school. When he was twelve years old, in 1981, a group of guerillas arrived in his community and called a meeting. Vicente quietly snuck into the meeting, even though children were discouraged from attending. In a 2016 interview he shared the following with me.

People from all of the hamlets came into the center for this meeting. . . . They told us that the things that they were going to talk about in this meeting [were

secret]. They said that if we mentioned them to anyone who was in the army or in the police, or in authority . . . that they would tie us up. They said, "We will cut out your tongue. So don't say anything." I remember being afraid because of what they said. Afraid also for my mother and father who were there. I loved them. . . .

. . . so with time they started talking. They said that they were against the government. They mentioned that they were with Army of the Poor. . . . They said the government was raising the prices of corn, that the prices of everything that we purchased like sugar and soap were going up. . . . Why were the prices going up? Because it was to benefit the rich. But we are poor. They said that we are peasants, we are poor agriculturalists. And where do all the things come from that cost so much? From the people who work. So they said, the rich are gaining from our work. So what they wanted was for us to form a group so that the poor people could be in charge of the government. That is how things were, according to the person who spoke at the meeting. The poor are against the rich and the rich are against the poor. . . . They said that we would have to fight, that we won't put up with the rich people being above us. . . . They said that they were going to equalize rich and poor.

After this meeting, the Mam municipality of Todos Santos Cuchumatán was occupied by guerillas from the Guerilla Army of the Poor (EGP). The EGP carried out several months of military training for the community's men and boys. According to Vicente, the EGP marked the houses of people who supported them — at that time, a majority. The EGP targeted businessmen and local landowners they perceived as opposed to them, and some were killed and left in the town square. The situation became much worse when the Guatemalan army arrived in early 1982. Vicente continues.

When the Guatemalan Army arrived they thought that almost everyone in Todos Santos were part of the guerillas. That is when the real violence began. They [the army] began to kill people. . . . They started to pull people out of their houses, to kill them, to lock them up and burn houses. All of this. . . . They were fighting between the Guatemalan Army and the EGP. . . . When the army came they would think that the EGP guerillas were all the people in our town. Because of this they killed them. A lot of people died. The EGP killed some people and the Guatemalan Army killed a lot of people.

A platoon of two to three hundred Kaibiles — a specialized counter-insurgency unit of the Guatemalan military — arrived and burned 150 houses in the hamlet of El Rancho (just a few kilometers from the center of Todos Santos) and then advanced towards the municipal town center. On the way, they raped and otherwise attacked women, and some later died from their injuries.⁵ The Kaibiles then called all the residents to a meeting in front of the Catholic Church, where the captain of the unit called out more than two hundred names of "subver-

sives” whom local informers had identified. The Kaibiles then systematically tortured and slowly dismembered the men who were named. Ten other men were made to march five hours away and killed slowly on the way. Locals carried the bodies to the local cemetery and buried them.⁶

This action was followed by disappearances, murders, and kidnappings. Many people fled. Some left to join the EGP. On March 23, 1982, the army returned, gathered all the villagers in front of the church, locked the men inside, and told them they would all be burned. The men waited through the night until dawn and discovered that the army had been recalled due to a coup carried out by Efraín Ríos Montt.⁷

Following the militarization of the community, first by the EGP and then by the Guatemalan military, a culture of fear, insecurity, and suspicion set in. Under Ríos Montt, the Guatemalan state appointed rural mayors and brought national control to local communities through the “Thesis of National Stability.” As part of this plan, the government organized men between ages eighteen and sixty into civil patrols known as PACS (Patrullas de Autodefensa Civil) and required them to patrol in twenty-four-hour rounds. This action suppressed the EGP and other guerillas, but also controlled communities through a mandatory labor tax. Civil patrolling also empowered local leaders and linked them to local military bases and commanders. The PACS dominated many communities, including Todos Santos Cuchumatán, until 1995–1996. Once those civil patrols dismantled, many communities initiated other forms of paramilitary patrolling in the name of “security.”⁸

The 1996 Guatemalan peace accords called for the formation of a new National Civil Police (Policía Civil Nacional, PCN) force, but the reformed police at the higher ranks consisted generally of officers from the old police force; only about 36 percent were new officers.⁹ On the ground, this meant that little changed. In remote areas of the country such as Todos Santos, the presence of the PCN had little to no impact in decreasing crime. While people in Todos Santos and other communities hoped that newly assigned national police would help their community and discourage gang activity, this assistance did not materialize. Instead, security was taken up by local communities with a long tradition of militarization.¹⁰

Todo Santeros formed *comités de seguridad* (local security committees) in the early 2000s to fill what they perceived as a security vacuum. The *seguridad* utilized past practices linked to civil patrols such as “constant surveillance within communities, rapid and collective response to detain interlopers, and the occasional summary and spectacular use of physical violence.”¹¹ Security committees achieved a great deal of power, continuing

the culture of surveillance, use of physical violence, and empowerment of male leaders that emerged under the PAC system.

Francisco Portes López, a *Todo Santero* living in Oregon, recounted the formation of *seguridad* in a 2016 interview:

We had a period of relative tranquility from maybe 1998 until 2000. You could walk around with no problem. But what happened after that? Why did the security committees get formed? Well, this started to happen everywhere, not just in Todos Santos. People were drinking. They were getting drunk in the street. The people would fall down in the street, but then they would go home. There was not a problem with this. But between the drunks, and the bars the maras [gangs], gang members began to act out. They were delinquents, kidnapers. . . . Then they started fighting among themselves. They started to beat one another up and then one and then another started to rob people. A lot of people said that people's animals (livestock) were disappearing. They would also break and enter into people's houses. "But who are they? Who is doing this?" asked the people. Is it possible that they are coming here from other towns? What should we do? So the people began to keep watch among themselves. . . . they said that they found some of the policemen were among the robbers. . . . Then people said that we had to do more than talk. So we formed the security committees.

The first *Todos Santos comité de seguridad* was established in the early 2000s. Apparently, an initial version of the security committee "wore masks" and, according to anthropologist Jennifer Burrell, was established in relation to a continuing vacuum of power.¹² All adult males were required to participate in patrols. They operated much like civil patrols and enforced a local curfew. According to press reports from 2003, the patrols clandestinely imprisoned their captives, held people without legal recourse, sometimes in outhouses, and carried ropes and whips that they used to administer physical punishment.¹³ Nevertheless, *seguridad* attempted to address the reality of poorly trained, under-funded, and often absent PCN agents, none of whom spoke Mam or were familiar with local cultural norms and systems of governance and justice. Security committees, as Burrell writes, "were empowered to patrol by foot, with machetes and nightsticks as weapons, and to capture criminals and bring them to the PCN for booking and prosecution."¹⁴

López recounted *seguridad* administered physical punishment, but that he always tried to talk to people first.

First we would try to talk to people when we got complaints. Someone would come and say that there was a problem in my family because of this gang, or a gang member came and beat up my son. . . . So what is it like? Well we all know one another. We know the people in the gangs and they know us. So if I

am assigned to the security committee, what am I going to do with that person they complain about? I can't just go kill the person. We are all neighbors. We know one another. So what I would do is to go talk to them and say, "Don't do this. Leave this gang. Leave it alone. That way you will live in peace" . . . but some of them don't listen.

When he refused to serve on the security committee any longer, the committee began to come after him. Eventually, López fled to the United States. After he fled, people on the security committee physically assaulted and threatened his wife; eventually, she fled as well.

The ongoing history of militarization and paramilitarization that Vicente and López described in *Todos Santos* characterizes the period of 1980 to 2004 throughout Guatemala and affected emigration to Oregon.

GUATEMALAN SETTLEMENT IN OREGON: THE CONSTRUCTION OF TRANSBORDER COMMUNITIES

Researchers Suzanne Jonas and Nestor Rodríguez calculated that, by 1985, an average of 13,000 legal and undocumented Guatemalan migrants were coming annually to the United States.¹⁵ People fleeing the civil war in Guatemala came to many parts of the United States. By the mid 1980s, some came to Oregon and settled in the Portland metropolitan area. This first phase established a dynamic and ongoing pattern of migration and settlement of Guatemalans in the United States. Those fleeing violence and coming to Oregon in the 1980s often found work in agriculture, settling in with Mexican migrants who worked picking berries, hops, and a wide range of row crops from May through October. Others found work as *pineros*, or tree planters, working for the U.S. Forest Service, and some began harvesting salal, an evergreen shrub that thrives on the Pacific coast of the Northwest and is used in floral arrangements. Initial small settlements of Guatemalans began to take root in Portland, Woodburn, St. Paul, and other rural areas linked to agricultural work.¹⁶

For Guatemalans fleeing the violence, the 1986 Immigration Reform and Control Act (IRCA) and Special Agricultural Workers Program (SAW) proved to be a crucial legal resource for settlement in Oregon. The law offered amnesty and the possibility of residency and work permission for those who were in the United States without permission. Its major provisions stipulated "legalization of undocumented aliens who had been continuously unlawfully present since 1982, legalization of certain agricultural workers, sanctions for employers who knowingly hire undocumented workers, and increased enforcement at U.S. borders."¹⁷ Almost 50,000 Guatemalan migrants who

applied for legal status under IRCA received it.¹⁸ The majority of Guatemalans who applied for and received legal status were in California, Texas, and states on the East Coast; in Oregon, 23,736 Mexicans and Guatemalans received permanent residency under SAW.¹⁹

Some of those Guatemalan migrants in Oregon who were regularized through the 1986 IRCA program slowly applied for their family members to receive residency. In Oregon, as elsewhere, once Guatemalan migrants were legal residents, they could travel freely back to Guatemala. This freedom allowed them to build what I call transborder communities, which became the foundations for multi-generational networks connecting settled communities in the United States with home communities in Guatemala. For transborder communities such as Todos Santos Cuchumatán — stretching among the states of Oregon, California, and Michigan as well as different parts of Mexico and the home community in Huehuetenango, Guatemala — the ability of a first generation of migrants to secure permanent residency through IRCA and, for some, through political asylum established a basis for additional legal and undocumented migration that continues to this day. Legalization also provides opportunities for economic and social mobility, as people have access to higher education and a wider range of jobs. The 1986 IRCA and SAW programs were fundamental to building Guatemalan transborder communities in Oregon. Social remittances, social media, the internet, and other forms of connection also link transborder communities.²⁰

Guatemalan migration to the United States from 1989 to 1991 saw a significant increase in both legal and undocumented immigrants, with a high point of an estimated 51,717 people in 1990.²¹ The number of Guatemalan immigrants to Oregon during this same period also likely increased, including people who moved from California to Oregon. During the 1989–1991 period, Guatemalans moved into major metropolitan areas such as Los Angeles, Chicago, and Houston as well as to the southeast coast of the United States, particularly Florida. Like Mexican migration patterns, Guatemalan migration has often involved initial settlement in Los Angeles and other areas in California, and then movement to Oregon. Their presence was formally registered in numerous locations in Oregon in the 1990 census.

The 1990 census data on “Occupied Housing Units by Race and Hispanic Origin of Householder” shows 215 households in Oregon occupied by Guatemalans with a majority (171) in urban areas.²² It is highly likely that there were many other Guatemalan households that were hidden and not registered in this census, particularly if their members were undocumented and trying to remain invisible. It is unclear from the statistics how “households” were measured and how many people were included in each one.

The report, however, provides an important snapshot of the Oregon cities and towns where Guatemalans lived in 1990, including Corvallis, Forest Grove, Gresham, Hood River, Milwaukee, Portland, and Woodburn. The greatest numbers were in Portland and Gresham.²³ These cities became the foundations for transborder Guatemalan communities in Oregon that later expanded to other locations, drawn by labor recruiters, family networks, the presence of evangelical churches, and other important social institutions.

From 1992 to 2003, the number of legal migrants decreased, and the number of undocumented immigrants from Guatemala increased. During this period, settled Guatemalan communities spread out across the United States, and increasing numbers of Guatemalans used their legal residency status to become U.S. citizens. They also settled and had children, who were U.S. citizens at birth. As more people gained legal residency and citizenship, they became important resources for others who were still fleeing difficult conditions in Guatemala and working to come to the United States. In the year 2000, the largest concentration of Guatemalans — 181,419 — was found in the Los Angeles-Long Beach area. The combined Portland, Oregon, and Vancouver, Washington, area ranked twenty-second, with 5,045 Guatemalans; the one-hundredth largest population was in Salem, Oregon, with 452 Guatemalans.²⁴ The 2000 U.S. Census registered 3,512 Guatemalans in the Oregon population.²⁵ This is most likely an undercount again, as undocumented and Indigenous Guatemalans were often not counted due to language barriers and fear of being deported.

The cementing of transborder communities connected across Oregon and multiple locations in California, Mexico, and Guatemala builds on the dynamic process that began with the 1986 IRCA program, significant numbers of undocumented Guatemalans receiving residency and citizenship, and the emergence of a second generation of children born of those who fled to the United States during the late 1970s and the 1980s. In addition to the legal protections gained through members who had residency and citizenship, other important ingredients tied these communities across borders.

A majority of the thousands of Guatemalan immigrants who settled in Oregon are Indigenous, reflecting the overall population of Guatemala. The richness of Indigenous languages, culture, and forms of organization and expression are important parts of the structures and relationships that hold transborder communities together. Transborder communities unite in many locations in Oregon within and between Indigenous ethnic groups for activities such as celebrating religious holidays, fundraising for projects in home communities, celebrating extended family life-cycle rituals, and playing and observing soccer, basketball, and other sports events. By the mid 2000s, a wide range of Indigenous languages spoken by Guatemalan



A SMALL EVANGELICAL CHRISTIAN CHURCH in a hamlet of Todos Santos Cuchamatán is pictured here. The front of the church says, “The Evangelical Mission of the Holy Spirit, Sanctuaries of Mt. Sinai.”

and Mexican immigrants could be found in Oregon, including the Mayan languages of Mam, Akateko, Kanjobal, and Quiché as well as seven Indigenous languages from Mexico.²⁶ In my research on farmworkers in Oregon in the 2000s, I began to see significant evidence of Indigenous Guatemalans in labor camps, which are often hidden from view, as well as in cities such as Woodburn, Gresham, Salem, and Springfield. Life history interviews I have conducted with more than two dozen Mam refugees and their families reveal that many women and children who have come in the past few years (2013–2016) are linked to male family members (brothers, siblings, fathers) who began working in agriculture, in forestry, or as mushroom and salal harvesters in the late 1990s or early 2000s, some even earlier. These groups of primarily male migrants may also be linked to earlier generations of Guatemalans in Oregon, such as those identified

in the 1990 housing census described above. They have definitely served as important resources for the most recent wave of unaccompanied children, and women and children, that characterize Guatemalan migration to the state after 2004.

MORE RECENT GUATEMALAN MIGRATION TO OREGON

While the end of the civil war, peace accords, a reorganized national police force, and other programs to promote economic development and democratization were unrolled in Guatemala in the mid 2000s, generations of militarization and paramilitarization continued to develop in other forms. Part of the programs that were funded at the national level involved the promotion of “security” and of an anti-gang narrative that criminalized youth. In her gripping book *Adiós Niño*, historian Deborah Levenson describes how urban youth who formed gangs in the mid 1980s in Guatemala City initially focused on dance contests, supportive social ties, and petty thievery but later changed to violence-centered groups dedicated to protecting ever-shifting turf and to killing rivals.²⁷ Levinson acknowledges the influence of deported Guatemalan gang members from Los Angeles on this evolving culture of gang violence, and she also documents a deliberate campaign to criminalize youth as *mareros* (gang members), to blame them for a wide range of social ills, and to justify remilitarization after the war. Following their criminalization and intersection with organized crime through Guatemala’s prison system in the mid 2000s, the gangs later became the violent stereotype they had earlier been portrayed as.²⁸ Gang violence in urban areas of Guatemala became commonplace by the mid 2000s and was linked to shifts in Mexican cartels’ trafficking of drugs and people through Guatemala.

As U.S. interdiction strategies focused in the Caribbean, South American cartels began to move their products to the United States through Central America and Mexico. Mexican cartels expanded in the 1990s from being drug shippers to also being drug producers. In Guatemala and Mexico, the armed forces became important collaborators with cartels; in some cases, former members of the armed forces eventually came to form their own organized crime groups. As in Mexico, organized crime groups that extended their presence to Guatemala to engage in drug transshipment also began to produce drugs, including opium and marijuana.²⁹

The connection between military and drug culture and violence (gendered and otherwise) is explicit. Some members of Mexico’s elite counter-insurgency

unit called the Zetas and Guatemala's fierce Kaibiles (famous for atrocities carried out during the Guatemalan civil war) first worked for Mexico's Gulf Cartel as their enforcers and then decided to go it alone as their own organization, also known as the Zetas. This group has become one of the most powerful drug- and human-trafficking organizations in Mexico and Central America. Beginning in 2007, the Zetas were operating within the United States.³⁰

By 2013, the Zetas ran routes up and down the coasts of Mexico and into Honduras, Guatemala, and El Salvador.³¹ They, along with the Sinaloa Cartel and the Gulf Cartel, have expanded their drug-trafficking operations to include extortion, kidnapping, and the smuggling and trafficking of human beings. According to a 2013 report by Gema Santamaria, the Zetas are also involved in human trafficking in Mexico, Guatemala, Honduras, and El Salvador. Santamaria notes that part of the human-trafficking business involves "distinct forms of violence associated with sexual exploitation and forced labor."³²

Ample documentation is available to demonstrate the presence of two principle gangs in Guatemala, MS 13 (Mara Salvatrucha 13) and Barrio 18, which had their origins in the United States and were recreated in Guatemala, El Salvador, and Honduras through gang members who were deported from the United States to Central America.³³ Each group is divided into *clicas* (cells) and is led by a *ranflero*. Each cell's leader is connected to a centralized leadership structure that increasingly reaches not only across Guatemala, but also into transnational crime networks. These gangs have a presence in Guatemala City and in other parts of the country as well. In many parts of Guatemala, there are local *maras*, which sometimes are connected to transnational gangs and focus on lower order crimes.³⁴

Local community climates have shifted in response to more serious activity from local youth gangs, as can be seen in Todos Santos. Burrell suggests that after a local youth gang leader was killed by two PCN officers, "the extreme local reaction to these groups of youth may have pushed them toward behavior that was more troublesome."³⁵ A local, self-acknowledged leader of the gang known as Sureños hinted at darker activities.³⁶ Testimonies given to me by recent female refugees who have fled Todos Santos suggest that the two local gangs may have begun committing more serious crimes, such as extortion, kidnapping, rape, and attempted rape. These actions build on a pre-existing culture of hypermasculinity and control, "adaptable across a range of anxieties, worries, and contexts."³⁷ This culture of hypermasculinity, furthermore, builds not only on local experiences of participating in civil patrols, but also continues the record of gendered violence linked to the presence of the PCN in the 2000s.



U.S. FLAGS painted on this house in Todos Santos Cuchamatán indicate family links to the United States.

GENDERED VIOLENCE AND ITS IMPACT ON MIGRATION

An analysis by Michael Smith, Refugee Rights Program Director of the East Bay Sanctuary Covenant in Berkeley, California, concludes that violence perpetrated by the PCN, local gangs, and security committees in Todos Santos since the early 2000s is particularly gendered. What has happened in Todos Santos is intimately linked to new patterns of migration, to Oregon and elsewhere, that include increasing numbers of women and children. A co-founder of the Affirmative Asylum Program of East Bay Sanctuary in 1992, Smith's organization has helped process more than 4,000 asylum cases, at least 1,000 of which involve people from Todos Santos.³⁸ Political asylum petitioners from Todos Santos who filed their cases through East Bay Sanctuary claim consistent criminal behavior on the part of the PCN, including assassination, rape, attempted rape, severe beatings, and robbery.

In 2012, Smith published a summary of cases of persecution of Indigenous Guatemalans that had been found credible by an asylum officer or immigration judge.³⁹ The document describes seventeen cases of rape and two cases of attempted rape in addition to other forms of severe physical violence carried out on women from Todos Santos.⁴⁰ According to the case summary, most of the cases of rape or attempted rape are by police (PCN) with some by soldiers; only one case of rape or attempted rape by a local Mam man from Todos Santos is documented. Collectively, the cases strongly suggest that the PCN used rape (and attempted rape) as a systematic form of intimidation during the years 2000 to 2007. Other forms of intimidation against women (and men) include severe beatings and death threats. Many of the summaries include reference to the period of “La Violencia” and accusations made against people that they were guerillas or supported the guerillas. Such threats are most often carried out by police or soldiers, but ten cases refer to persecution by neighbors and local patrollers (people from *seguridad*), sometimes in conjunction with police.

My conversations with two men who fled Todos Santos Cuchumatán in 2014 revealed details about local gang activity. Lucio reported that two gangs had divided up the territory of Todos Santos. He fled after gang members threatened him because of involvement with a woman who was of interest to one of them. The threat was based on claiming the body of the woman as part of gang territory and as a possession of the gang. Gerardo stated that local gangs could call in their larger affiliates when they needed them. He suggested that one of the gangs might be affiliated loosely with organized crime groups who controlled routes through the municipality and into Huehuetenango.⁴¹

Interviews I carried out in Todos Santos Cuchumatán document that local women have observed violence against women and that they believe it is carried out by gangs. When I asked about violence against women and girls, Cristina related to me a 2015 incident of rape and femicide:

There is violence here for women. They killed a girl. She was walking to school, but she never arrived. They found her raped and dead in the hamlet. They also found a handicapped person who had been killed there as well as a boy who was killed there.

LYNN: *Why there?*

CRISTINA: *There is no PCN there. A lot of families are afraid there. . . . You have to really watch what you wear because of the gangs. For example, if you are walking around and you are wearing the wrong clothing, they will tell you that you can't wear that. This happens in the center of town too.*

Cristina then shared a story about her younger brother, who fled to the United States because of gang threats. Her account suggests that the gangs use a strategy of territorial control.

One of the gangs is very aggressive with the men here. My brother was working. He wasn't afraid of the gangs and he didn't pay any attention to them. One day when he went to leave some food for people at one location. There were some guys from the gang hanging out. They said he was in their territory. They wanted to stab him with a knife, but he ran away. They told him, "the next time we see you we are going to kill you." That is what finally pushed him to leave. He wanted to be a farmer, but he told me, "I am going to go." He left in July of last year in 2015.

Cristina's brother relied on the transborder Todos Santos community in order to safely navigate his way to California, opting to stay there instead of coming to Oregon. Others, however, particularly women, have opted to come to Oregon and seek asylum.

WOMEN FLEEING VIOLENCE IN GUATEMALA AND COMING TO OREGON

From 2004 to 2017, there has been a dramatic increase in both undocumented and legal immigration from Guatemala to the United States. Until 2011, the annual average figure for all migrants was 56,737.⁴² After 2011, even greater numbers came, many as refugees fleeing drug, gang, and paramilitary violence. The 2010 U.S. census registered 1,044,209 people of Guatemalan origin, including 7,703 Guatemalans in Oregon.⁴³ Indigenous people are strongly represented among post-2010 Guatemalan immigrants in Oregon. Their presence can be seen through the legal-and social-service institutions of the state. Interpretation requests from the Oregon Judicial Department for 2013, for example, included requests for twelve different Indigenous languages, including five different Mayan languages from Guatemala. The second-highest number of requests are from Mam speakers.⁴⁴

While making the journey from Guatemala to Oregon has always been a high-risk proposition, the danger increased significantly from the 2000s to the present, particularly in traversing Mexico and trying to cross the U.S.-Mexico border. For Central Americans passing into Mexico over its southern border, the journey through Mexico is perilous. While no official statistics exist, unofficial estimates claim that 70,000 to 150,000 Central Americans have disappeared in recent years while trying to cross Mexico — numbers similar to those who died in the Salvadoran and Guatemalan civil wars.⁴⁵ The migrants are subject to violence, extortion, kidnapping, and murder by

organized crime groups and corrupt Mexican police and other security officials.⁴⁶ Cartels and cartel-affiliated gangs and businesses control integrated routes that reach deep into Central America, through Mexico on trains and other forms of transportation, and into the United States.

In fiscal year 2014, 68,445 family units (primarily women and children) were apprehended at the U.S. border. In 2015, these numbers decreased but then rose again in the fiscal year 2016 — to 77,674; 23,067 of these family units were from Guatemala.⁴⁷ The thousands of undocumented women who were a part of this migration were largely invisible in most media depictions that focused on unaccompanied children and adolescents. In Oregon, the period from 2013 to 2016 was marked by an increase in undocumented women from Mam and other transborder Guatemalan communities. Many women also came with some of their children. Almost all were seeking to escape multiple forms of violence and to reunite with family members in rooted transborder communities.⁴⁸

The table on the following pages summarizes twelve of the cases I have worked on with women who were fleeing from violence in Guatemala from 2013 to 2015 and seeking asylum in Oregon. Most of the women have children, are living without male protection — usually an absent or deceased spouse — and have suffered from ongoing harassment, including sexual assault or attempted sexual assault, kidnapping, and extortion. Most report that local National Civil Police (PCN) do not protect them, listen to their complaints seriously, or work to prosecute criminals. Most mention the presence of local gangs who they believe are connected to their experiences of assault, robbery, attempted or actual sexual assault, extortion, and intimidation. Some attribute possible involvement of local police. Several are fleeing violent husbands who subjected them to severe domestic violence in addition to other violence they experienced.

All these cases involve women who have suffered from multiple forms of interlocking violence that includes domestic violence, militarization, paramilitarization, state security interventions, and local gang activity. The fact that these twelve women were able to make it to the United States and successfully file asylum petitions makes them a select group.

An interview with Teresa Pérez synthesizes the continuum of violence that has pushed so many women and children to flee to Oregon and other parts of the United States where they have family members in rooted transborder communities. Her decision to flee from violence in Todos Santos and petition for asylum in the United States was based in part on the knowledge that her brothers and other people from Todos Santos were firmly established in a transborder Mam community in Oregon. We talked

TABLE: ANALYSIS OF COMMON ELEMENTS IN TWELVE WOMEN'S ASYLUM CASES IN OREGON

AGE	DEPARTMENT OF ORIGIN	CHILDREN?	LACK OF MALE PROTECTION IN GUATEMALA?
30s	Huehuetenango (Huehue)	Yes, four children left in Huehue	Yes, fleeing from violent husband
20s	Huehue	No children	Yes, living with elderly mother
20s	Huehue	Yes	Yes, living alone, husband in the United States
20s	Huehue	Yes, left in Huehue	Yes, fleeing from violent husband and living with elderly relative
Teen	Huehue	No children	Yes, living with elderly relatives
Teen	San Marcos	No children	Yes, living with relatives
Teen	San Marcos	No children	Yes, living with godparents, no male protector
41	Huehue	Yes, left in Huehue	Yes, living with children, husband fled to the United States
40s	Huehue	Yes, left in Huehue	Yes, absent husband and fleeing from robbery and rape by four non-local men
40s	Huehue	Yes, accompanied to Oregon	Yes, absent husband and threatened with rape, torture, and forced marriage
20s	Huehue	No children	Yes, fleeing from husband who beat her severely and threatened her with death
20s	Huehue	Yes, three left in Huehue	Yes, husband in the United States

HARASSMENT?	SEXUAL ASSAULT OR ATTEMPTED?	PRESENCE OF GANGS OR POLICE PROTECTION?	KIDNAPPING OR EXTORTION?	ETHNIC GROUP
Yes	Yes, by husband	No gang presence or police protection	Unclear	Akateko
Yes	Yes	Gang presence, no police protection	Extortion, attempted kidnapping	Mam
Yes, robbery, daily harassment by local gang	Yes	Local gangs, no police protection, paid off by gangs	No	Mam
Yes	Yes	Gang presence, no police protection, said police paid off to do nothing	No	Mam
Yes, by local authority	Yes	Gang presence, states police are with gangs	No	Mam
Yes	Yes, actual and attempted in transit	Gangs in surrounding community, no police protection	Extortion and kidnapping	Mam
Yes	No	Gang presence, no police protection	No	Mam
Yes, robbery and harassment by a local gang	Yes, raped by local gang member	Gang presence, reported by her and other locals. Police only catch and release local criminals	Possible extortion of children left behind	Mam
Yes	Yes	Gang presence, no police protection	No	Mam
Yes	Yes	Gang presence, no police protection	Extortion, attempted kidnapping	Mam
Yes	Yes	Gang presence, no police protection, paid off by gangs	No	Mam
Yes	Yes	Yes, extortion, death threat, no police response	Yes	Mam

for more than two hours. This was the first of several extensive interviews to document her life story.

I was born in a small village in the Department of Huehuetenango. There is no public transportation to the hamlet I live in except once a week when there is a market held in the center of town of our municipality. Most of the time we have to walk if we want to get anywhere. When I was growing up and even when I was married, I had no money to pay for transportation.

My childhood was difficult. We were very poor and often we were hungry. I only went to school for 3 years. In order to get to my school, I had to walk for two hours. Going to school was really difficult and I couldn't understand much because all the material was in Spanish and I don't speak Spanish. . . . I only went to school for a few years.

When I was a teenager, I started dating my boyfriend Carlos. After a while, my boyfriend Carlos asked his father to see if we could live together in his house. His father accepted so I moved into Carlos' house.

Later that year, Pedro who is a Mam Indigenous man from my community and who was older than me started approaching me and explained to me that Carlos was a child and he was not man enough for me. He harassed Carlos and intimidated him and Carlos left. I later moved in with Pedro because I was lonely and afraid. He promised me that he would take care of my son and me. He said he had the means to take care of me and that he would treat me with respect. I started believing him.

At first everything was ok, but when he got me pregnant, little by little the problems began. Pedro began to drink alcohol and beat me. He wanted me to abort our child and he claimed that the baby I was pregnant with was not his baby. . . . He treated me as if I was an animal. He would hit me wherever he wanted to. . . .

Where I lived, our territory is divided in two. On the one side in particular hamlets there is one gang. In other hamlets is a different gang. They are enemies and often they fight each other. Pedro was always wearing gang clothes. He also used his fingers to show a sign, something kind of weird.

After a year and a half of living with him, before my second baby was born, I escaped to live with my parents. . . . My second son was born and I was living with my family. . . . I was hopeful that Pedro had forgotten about me and that I was safe with my parents, but that was not the case.

One day I was out walking with my two sons. We ran into Pedro on the road. Pedro came after us and tried to strangle me. He told me, "I am going to kill you with your sons." I was terribly frightened. I was saved when a person came walking down the road and Pedro ran off. He told me that he was going to find me and kill us all. . . .

I fled through Mexico. . . . I went all the way through Mexico by bus. Thankfully, nothing bad happened to us during this trip, although the Mexican authori-

ties did demand that I pay a bribe in order to pass through part of Mexico while I was on the bus. I arrived at the town of Altar in Northern Mexico. From there I walked through the desert with a group of people from Guatemala. After walking all through the night, I was tired and I could not walk any more. I finally arrived in a town with many lights, although I do not know where I was exactly. The immigration patrol caught me there.

I spent one day and one night in a jail in la hielera [reference to very cold holding cells] and then I was transferred to a jail in Arizona. . . . I made friends with other women there at the prison and they loaned me calling cards to call my brothers who were here.

I did the [credible fear] interview [with an asylum officer] and I passed [she was deemed eligible to apply for asylum]. My brothers, their friends, and a neighbor from our village who lives in the United States pooled their money to provide me with funds to post a bond for \$10,000. They bought me a bus ticket to come to Oregon.

I have been in the United States for more than a year and I work in the mountains picking the plant known as salal.⁴⁹ I speak with my family and my children in Guatemala every week on the phone. They tell me that Pedro is still looking for me and has said he is going to take my children and kill them.

Perez has received a green card and is now able to work while she waits for her asylum hearing. The connection with her brother and other community members has proven crucial to helping her land on her feet. They not only paid her bail and transportation to Oregon but also have provided her with housing, leads on employment, connections to free medical clinics and food banks, and encouragement to participate in a local church. While many young mothers like Perez have recently fled, young men and boys under eighteen years of age have as well.

In June 2014, President Barack Obama labeled the presence of more than 50,000 Mexican and Central American unaccompanied children who had crossed the U.S.-Mexico border since October 2013 a “humanitarian crisis.” During fiscal year 2014 (October 2013 through September 2014), U.S. Customs and Border Protection reported apprehending 68,541 unaccompanied minors, a 77 percent increase from the previous fiscal year. Seventy-five percent of the unaccompanied children apprehended were from El Salvador, Guatemala, and Honduras.⁵⁰ Most of the remaining children were from Mexico. In fiscal year 2015, apprehensions of Central American unaccompanied minors on the U.S.-Mexico border decreased due to increased deportations from Mexico to Central America and a U.S. public information campaign to discourage children from coming. During fiscal year 2016, the numbers spiked again to 59,692 unaccompanied children; 18,913 were from Guatemala.⁵¹

Some of those unaccompanied Indigenous minors have fled to Oregon. Eduardo Hidalgo Marín arrived in Oregon to join his older brother, who had also fled the same domestic and local violence. Both grew up in a small, isolated hamlet in the municipality of Todos Santos Cuchumatán, and their first language is Mam. I interviewed Marín in 2016. When he arrived, Marín was a minor and was held in detention for two days in Arizona, and then put in a shelter for minors. After a month, Marín's brother wired him the funds for a bus ticket, and he came to Oregon. Once here, he enrolled in high school and began to work part-time after school and on the weekends. He graduated from high school and hopes to attend community college and work part-time.

Marín, his siblings, and his mother all suffered at the hands of his father. He remembers being beaten constantly as a child. "My father was always beating us. He was also constantly drinking alcohol. He would make us go to collect firewood and carry it home in the pouring rain while he was drinking beer. Then he would beat us. . . . He would beat us with ropes, sometimes with his hand, with large batteries, whatever was at hand." Marín would go to elementary and, later, secondary school in the morning and then would work harvesting broccoli or other crops in the afternoon. When he returned home, the violence would commence. "I would be trying to do my homework and I would hear my father beating my mother. This was really hard for me. I was trying to study and I hear this terrible noise and my mother is crying and so are my siblings."

When Marín was an adolescent, he was approached by one of the local gangs at about 6:10 in the evening, when it was dark. He had to walk forty-five minutes in each direction to go to afternoon classes at school and then to come home.

I was on my way home and they started to run after me. They grabbed me and told me that I had to enter their gang. I said, no, that I was a student and I wanted to study and I didn't want to hurt anyone. Then I told them that I am also poor and I need to work a lot and I don't want to be in the street. They started to beat me. I was crying because I was so afraid. There was a loud noise and someone was coming and they turned to look to see who it was. I ran very hard when they turned. I could barely see because I was crying so hard from fear. I ran for 15 minutes and when I stopped and looked behind me, they were not there. . . . this happened when I was 16. I am not sure which of the two gangs it was, but after that I changed my route and went by small paths and never went near the main road.

Marín emphasized how there really was no protection for local youth from the gangs. He has never seen PCN officers on patrol in his local hamlet and noted that most people, like him, are just as afraid of local security commit-

tees as of the gangs they are supposed to control. "There is no security, no police. There is nothing, nothing to protect you."

After surviving regular beatings for his entire life and once again watching his father beat up his mother and his siblings, Marín fled with his mother and siblings to a larger nearby town. A few weeks later, he left to try and join his brother in Oregon. Marín stated at the end of our interview: "If I return, it is quite possible that my father would want to kill me. He is alive and the gangs can be looking for me as well." Marín's mother and sister have also recently fled and have thus followed the well-worn path of transborder communities that stretches between Guatemala and Oregon. They have joined Marín and his brother.

Marín's story makes visible the importance of family connections and support. Increasingly, Indigenous Mam families such as his are reconstituting themselves outside their home communities, in small and medium-sized communities in Oregon, where they try to settle and find safety and stability. Having grown up harvesting broccoli, potatoes, and corn, Marín and his brother know how to work outside and have found a niche in landscaping. While that work can suffice for now, he hopes that after attending community college, he can find a different kind of job, maybe using technology.

SUSTAINING HOPE AND AUTONOMY

How do women like Pérez and young men like Marín remain hopeful and keep their lives moving forward? Most Guatemalans who have come to Oregon seeking asylum have been connected to spouses, siblings, and extended family members who are already here. The rich community and family networks forged by previous generations of Guatemalan migrants in Oregon are resources for women, their children, and unaccompanied minors who are recent arrivals. People from Todos Santos Cuchumatán have successfully pursued more than 1,000 asylum cases over the past three decades just in California.⁵² They have extensive networks of family and kin throughout the United States. The legal knowledge gained through community members who have already been granted asylum is passed on to others.

In serving as an expert witness and interviewing many of the people whose cases I have worked on, I have observed demonstrations of solidarity and caring between those who have received asylum and those who are seeking it. One of the most important ways that women support one another is through helping each other with childcare when they have to work with lawyers. Because many women are not fluent in Spanish, those women who are bilingual in Mam and Spanish, for example, have served as translators for other women in preparing their court cases as well as in

helping them in other situations where translation is necessary, such as attending well-baby appointments, during interactions with local schools,

and obtaining other forms of support. Men have also served as strong supporters and translators, helping siblings and children.

Networks of extended families and religious communities linked to both Catholic and evangelical churches provide spaces of refuge and support for Guatemalan refugees. Women and men have been active in such churches and in organizing cultural activities such as dinners, dances, marimba concerts, and more. Another arena of connection is through traditional healers and midwives who bring knowledge of herbal medicine, massage, and other healing techniques with them into U.S.-based Guatemalan communities.

All these tools of unity and healing are needed now more than ever, as the fear of being deported back to dangerous situations is now present in every undocumented family. Marín's story demonstrates the importance

of family connections in gaining access to education and secure employment in Oregon. Kin and community connections are also crucial for helping recent arrivals find housing, gain knowledge about social services, learn how to enroll children in school, and how to find food banks, pro-bono legal services, and English classes.

For many Guatemalans such as Marín and Perez, who fled violence in their home communities, seeking asylum in the United States is one of the



THE U.S. IMMIGRATION COURT in Portland, Oregon, is located in the Edith Green-Wendell Wyatt Federal Building at Southwest Third and Madison avenues.

only routes to safety, offering protection from deportation back to Guatemala. According to the American Immigration Council, “asylum is a protection granted to foreign nationals already in the United States or at the border who meet the international definition of a ‘refugee.’”⁵³ Asylum can be granted to an applicant in the United States if the applicant can demonstrate that he or she has been persecuted in the past or has a credible fear of persecution in his or her country of origin on five grounds: (1) membership in a particular social group, (2) religion, (3) race, (4) nationality, or (5) political opinion. Asylum permits those receiving it to apply for lawful permanent residence status and ultimately citizenship, as well as to receive work authorization. The United States is bound to recognize valid claims for asylum under the 1951 United Nations Convention Relating to the Status of Refugees (UNCRSR) and its 1967 Protocol Relating to the Status of Refugees.⁵⁴

The United States began recognizing gender-based persecution in the early 1990s, and in 2009, the case of a Guatemalan woman named Rody Alvarado established a key precedent for gender-based asylum claims — the kind Perez is seeking. Alvarado engaged in a fourteen-year struggle to obtain



THIS MAP SHOWS U.S. immigration court locations in 2017. The map was originally printed in the U.S. Government Accountability Office June 2017 report titled, “Immigration Courts: Action Needed to Reduce Case Backlog and Address Long-Standing Management and Operational Challenges.”

asylum and achieve legal recognition for survivors of domestic violence as a social group subject to persecution and meriting protection.⁵⁵ In March 2013, President Obama reauthorized the Violence Against Women Act, which has been increasingly used to grant asylum to refugee women who are victims of domestic violence in their home countries.⁵⁶ In August 2014, the nation's highest immigration court ruled that women who survive severe domestic violence in their home countries can be eligible for asylum in the United States.⁵⁷ This ruling opened a new pathway for the thousands of Guatemalan Indigenous women fleeing gendered violence who were already in the United States or on their way. Recent executive orders signed by President Donald Trump on January 25, 2017, on interior immigration enforcement and border security, and subsequent memos signed by then Homeland Security Secretary John Kelly, however, greatly expand the group of people prioritized for deportation and provide for 10,000 new Immigration and Customs Enforcement (ICE) officers and 5,000 new Border Patrol officers, as well as expanded use of law enforcement to carry out deportations.⁵⁸ Kelly's February 17, 2017, memo speeds up deportation at the border, making it much easier to remove people like Perez and Marín, who declared themselves at the border. This directive will also decrease the likelihood of refugees' passing a credible fear interview to be approved for filing an application for asylum. It also criminalizes parents who have paid smugglers to have their children brought to the United States to be reunited with them. These recent measures suggest that it will be difficult for female Indigenous refugees like Perez to gain traction through asylum processes in U.S. immigration courts or even to enter the country. In June 2017, the U.S. government announced it was shutting down alternatives to detention for families and children and moving more cases to programs with higher deportation rates.⁵⁹

Currently, a large backlog of immigration court cases exists. According to the American Immigration Council, in 2016, the U.S. immigration court and asylum systems had more than 620,000 cases pending, with waits of up to six years. A person who is not in removal proceedings may apply for affirmative asylum. The average wait time for an affirmative asylum case is at least two years from the initial interview with an immigration officer. A person who is in removal proceedings may apply for asylum defensively by filing the application with an immigration judge at the Executive Office for Immigration Review (EOIR) in the Department of Justice. Asylum is applied for "as a defense against removal from the U.S." Unlike in the criminal court system in the United States, EOIR does not guarantee appointed counsel for individuals in immigration

court. Defensive asylum cases have an average wait of five years.⁶⁰ While Marín and Perez, and others in the same situation, have the right to apply for work permission after their case has been pending for 150 days, the lack of an uncertain future makes it difficult to work, plan, or safely reunite with family members left behind.

A significant number of people like Perez and Marín and the hundreds of thousands of other Central American women and children who have fled extreme violence in their home communities, through the gauntlet of Mexico into the United States, continue to live in a state of fear in the United States. They are resilient people determined to find safety, protection, and dignity for themselves and other families in Oregon. The creative construction of multi-generational transborder communities between Oregon and Guatemala solidly links towns and cities in Oregon to counterparts in Guatemala. Networks of families like those from the county of Todos Santos Cuchumatán tie counties in Oregon to counties in Guatemala. Indigenous Mam migrants like Pérez and Marín and their families are making contributions to our economy, are studying in our schools, and are enriching Oregon communities. Like Germans, Swedish, Irish, English, and other immigrants who have settled in Oregon, Guatemalan immigrants are adapting to the state and integrating their families into local communities, bringing with them unique skills and knowledge.

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44. See Oregon Judicial Department, *Statewide OJD Indigenous Language Requests for Calendar Year 2013*, available online at: <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/>

[Areas%20of%20expertise/Language%20Access/2014%20CLAC%20Conference/Sessions/Indigenous%20Interpreter%20Training%20and%20Relay.ashx](http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Language%20Access/2014%20CLAC%20Conference/Sessions/Indigenous%20Interpreter%20Training%20and%20Relay.ashx) (accessed February 15, 2017).

45. "Central American Mothers Begin Search for Missing Children in Mexico," *Telesur*, November 21, 2014, <http://www.telesurtv.net/english/news/Central-American-Mothers-Begin-Search-for-Missing-Children-in-Mexico-20141121-0043.html> (accessed August 30, 2016).

46. Ibid.

47. U.S. Customs and Border Protection, "United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016," <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016> (accessed September 27, 2017).

48. This is based on more than twenty-five interviews I have conducted with Mam women, children, and adolescent refugees fleeing violence from 2014 to the present.

49. The floral industry uses salal as background greenery in floral arrangements. Thousands of workers harvest the plant throughout its range in the Pacific Northwest and California. Mam Indigenous immigrants have specialized in harvesting it.

50. Dennis Stinchcomb and Eric Hershberg, "Unaccompanied Migrant Children from Central America: Context, Causes, and Responses," Center for Latin American & Latino Studies (CLALS) Working Paper Series, no. 7., Washington, D.C., Center for Latin American and Latino Studies, American University, 2014, 6, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2524001## (accessed September 1, 2016).

51. U.S. Customs and Border Protections, *United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016*, Department of Homeland Security, Washington, D.C., 2016, available

online at: <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016> (accessed February 15, 2017).

52. Sharp, "Vigilante," 29.

53. American Immigration Council, "Fact Sheet: Asylum in the United States," August 22, 2016, <https://www.americanimmigrationcouncil.org/research/asylum-united-states> (accessed June 4, 2017).

54. If asylum is not granted, there are two other legal options for preventing deportation. (1) Withholding of Removal, called "non-refoulement," which under the UNCRSR prohibits the United States government from returning someone "in any manner whatsoever to any country where he or she would be at risk of persecution" (Goodwin Gill 2008: paragraph 19). To receive Withholding of Removal, applicants need to demonstrate that they are refugees, that there is a clear probability of persecution by a government or by a group of people that a government cannot control (in this case perpetrators of domestic violence), that they have been persecuted in the past, and that they would be highly likely to be persecuted again in their country of origin. Withholding of Removal provides a narrower scope of relief than asylum. (2) Relief under the Convention Against Torture Act requires applicants and their attorneys to bear the burden of demonstrating that it is more likely than not that a woman filing will be tortured if removed to her country of origin. The Board of Immigration Appeals has found that torture "must be an extreme form of cruel and inhuman punishment" that "must cause sever pain or suffering."

55. Center for Gender and Refugee Studies, "Domestic Violence-Based Asylum Claims: CGRS Practice Advisory," September 12, 2014, San Francisco, Calif., https://cgrs.uchastings.edu/sites/default/files/DV_Advisory_9-12-2014_FINAL_1.pdf (accessed September 27, 2017).

56. Valarie Jarrett, "No One Should

Have to Live in Fear of Violence," *The What's Happening* (blog), <https://obamawhitehouse.archives.gov/blog/2013/03/07/no-one-should-have-live-fear-violence> (accessed September 27, 2017).

57. Julia Preston, "In First for Court, Woman is Ruled Eligible for Asylum in U.S. on Basis of Domestic Abuse," *New York Times*, August 29, 2014, <https://www.nytimes.com/2014/08/30/us/victim-of-domestic-violence-in-guatemala-is-ruled-eligible-for-asylum-in-us.html> (accessed September 27, 2017).

58. Donald Trump, *Executive Order: Enhancing Public Safety in the Interior of the United States*, January 25, 2017, The White House, Office of the Press Secretary, 2017, <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united> (accessed February 20, 2017); Donald Trump, *Executive Order: Border Security and Immigration Enforcement Improvements*, January 25, 2017, The White House, Office of the Press Secretary, 2017, <https://www.whitehouse.gov/the-press-office/2017/01/25/executive-order-border-security-and-immigration-enforcement-improvements> (accessed February 20, 2017); John Kelly, "Enforcement of Immigration Laws to Serve the National Interest," Washington, D.C.: Department of Homeland Security, published by the *Washington Post*, February 17, 2017, <http://apps.washingtonpost.com/g/documents/national/read-the-memos-signed-by-dhs-secretary-kelly-on-new-guidelines-for-deporting-illegal-immigrants/2338/> (accessed February 17, 2017).

59. Aria Bendex, "ICE Shuts Down Program for Asylum-Seeker," *The Atlantic*, June 9, 2017. <https://www.theatlantic.com/news/archive/2017/06/ice-shuts-down-program-for-asylum-seekers/529887> (accessed August 29, 2017).

60. American Immigration Council, "Fact Sheet: Asylum in the United States."