Maya America
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Introductory Note

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Maya America

Names can encourage dynamic discussion as well as designate purpose and potentialities. “Maya America” refers to the historic and the present-day geographic regions where people of Maya descent live, while “Maya America” also reflects a term of self-identification used by many in the new generations born or raised beyond traditional homelands. The journal features essays and commentary about contemporary and emerging experiences and challenges, rather than endeavoring to establish a new category of “studies” alongside American, Latino, Indigenous, or Central American studies.

Current Issue

This second issue of Maya America includes essays from new generation Maya Americans; retrospectives of advocacy for Maya communities in the United States; and ethnographic perspectives based both in Guatemala and the United States.

The first three essays are personal commentaries and reflections by Maya American authors. Maya Figueroa Ferreira recounts being adopted from Guatemala and raised “white” while not knowing her Maya heritage. Dina Hernandez tells her story about growing up “Latina Maya” in Morgantown NC and being on the road to “discovering her Mayan voice”. Gaspar Tomas and Lorenza Tomas, brother and sister in South Carolina, write about their Maya community youth organization and their methods for maintaining culture and spiritualities in contemporary spaces.

Long-term advocacy for immigration justice becomes a common theme for the next two essays. Ultimately, refugees, displaced persons, and survival migrants from the Maya homelands become entangled in the debate and conflict over immigration policy and enforcement. Allan Burns gives an in-depth analysis of what he learned while giving expert testimony in immigration courts, and Aileen Josephs draws upon her 25 years of experience in Palm Beach County, Florida, to propose comprehensive ideas on immigration policy.
Separations from home and community are highlighted in the three ethnographic essays. Joyce Bennett and Ambrocia Cuma Chávez discuss the significance of being “Maya” during and after migration to the United States from the Kaqchikel regions of Guatemala, and the vicissitudes of becoming or acting as “maya americano”. Inbal Mazer’s interviews with mothers and midwives from San Miguel Acatán reveal resilience strategies that women, through collective networking and transnational knowledge, create and employ as they navigate medical systems. James Loucky and Katie Goger discuss strategies among Maya parents and children for maintaining or re-creating social and family cohesion amid disruptions of migration and resettlement.

The concluding essay, by Pablo Marcos Martin, summarizes the immigrant experience in six steps, and reveals the multiple circumstances and the multiple outcomes of the immigration experience. Originally published in 2006, this essay remains profoundly pertinent to the study of survival migration, including family separation, the journey to the border, consequences of choice and circumstances, and the possibilities for failure as well as for success.

**Invitation to Submit Essays**

The journal welcomes essays, commentary and analysis on topics that include social justice, public policy, personal reflection, ethnography, history, and creative literary works that carry a message. Academic essays are double-blind peer reviewed. Maya America also welcomes suggestions as well as collaborative editorial participation. For further information, please see the journal home pages https://digitalcommons.kennesaw.edu/mayaamerica/ or send to jamesloucky@gmail.com or alebaron@kennesaw.edu.
Who Am I? A Reflection of the In-between

Maya Figueroa Ferreira
Guatemalan-born Maya American,
Creator and Professor,
University of Nevada, Las Vegas

Abstract: Adopted before her memory, the personal experiences of the author serve to interrogate the mass exportation and importation of Maya babies. In recounting her search for meaning and reconciliation, she presents to Maya and Non-Maya valuable insights into an expanded meaning for “Maya America”.

"Conocer la propia historia es enriquecer nuestra identidad del presente, y conocer lo complejo de nuestro pasado es también aceptarnos como parte de trayectorias más amplias. Eso implica reconocer también, en el caso de los mayas, que ha existido interacción y «mestizaje» con grupos no-mayas, pero que ello ha sido apropiado y re-significado desde la propia cultura, y no como imposición o, peor aún, «ladinización».” – Diego Vásquez Monterroso

A Note: The history of Guatemala, and Mayas in particular, is one of eradicating the people of indigeneity. From colonization to the Civil War to the creation of the caste system, indigeneity has been broken down generation to generation in order to allow white culture and people to thrive. The removal of babies from the Maya and poor populations is an act of genocide. The transracial shift from one culture to another, from indigenous to white, is a positive outcome for those who are in power in Guatemala. It means these powers no longer have to worry about these babies adding numbers to their opposition. Babies were at one point, one of Guatemala’s most significant exports, in one of the most corrupt adoption systems in the world. This is the reality the living exports of Guatemala have to contend with.

When I go to sleep at night, I am often thinking about the big questions: Where do I come from? Who are my people? Will I ever see the land I come from? Would my people accept me? Of course, the answers to these questions are big and powerful. And these kinds of questions have been swirling around in my head for my entire life.

When I was a child, my adopted mother told me at one point that my heritage was Maya. But what does that mean to a small brown child who was raised by European whiteness, who was told I was white? How could my adoptive parent say these two
different things? I was told, “Latin Americans are descendants of Spain.” Oh. My child’s mind wondered, “Then why do I look different, feel different... what about the Maya?” But in American books, the Maya were far away and long ago. I remember telling a white girl who was in class with me, “I’m Mayan!” Her reply was, “All your people are dead, you do know that, right?” And she walked away with her nose in the air. I remember feeling lost, alone, confused. I didn’t tell anyone else, “I’m Mayan” for another ten years.

I’m not sure at what age I started to learn about the modern history of Latin America. I was in my early 20’s, and I didn’t have many friends to hang out with. This meant spending a lot of time alone, learning about whatever came to mind to learn about. I thought a lot about my people, and I learned a lot about Latin America, but I was learning in English. I hated the Spanish language when I was growing up, as I had had some bad experiences with Latinos when I was a child, and I developed a strong lack of caring about it. Even a block against it, I might say. While spending all this time alone, I learned the meaning of mestizo. At this point, I thought for a long time that maybe I was mestizo. My adopted mother had, after all, told me that I was white, but with a different complexion. I didn’t really understand this, or anything about the caste system in Latin America as a child, just that I wasn’t white, and I wasn’t Black. Since I do not belong to a Mayan community, I must not be indigenous. I still resented mestizo culture, however. It never felt right. I never felt good about it, and I felt the same way about mestizo culture as I felt about the Spanish language. A block against it. Which was probably amplified by the way many Mexican Latinos interact with those from Central America. I also still had a feeling of immense pain whenever my thoughts strayed to Guatemalan and Mayan history, a sort of ache that never went away. A pain that starts in the guts and radiates up to the heart and throat.

It was at this point, faced with a lack of knowledge about my heritage that I turned towards Black and brown writers, activists, bloggers, and online platforms. I was out of touch with the will to understand myself, but I was pulled by a powerful force to care about others. I always had this urge to care for others and to care about the collective. And now, I was beginning to find a way to curate my knowledge. I decided to follow the gospel of brown and Black authors who made it possible for the younger generations to love themselves in a way that I had never been taught. White feminism was not all that important to me, but I remember listening to Kwame Ture speaking, and the machine in my head started turning on, and the mechanisms began to click. I started learning about revolutionary movements in-depth, about communism, about the American violence imposed on minorities worldwide that is hidden away in the American school system. I re-educated myself. Without knowing about the tradition of my people, I found my way
to believing in movements like *Ejército Guerrillero de Los Pobres* (The Guerilla Army of the Poor), and *Comité de Desarrollo* (CODECA), without yet knowing they had existed or do exist.

I can’t tell you much about my birth family, as my mother was impoverished and illiterate, and my adoption papers give a very minimal amount of information. A common thread among adoptees, and a symptom of systematic oppression. It was over a year ago now that I was reunited with some of my family. It turns out my adoption papers didn’t mention a very monumental piece of information: I had seven other siblings in the United States who had also been adopted. I knew of one, but it wasn’t until I had taken a DNA test and matched with my other siblings that I found this out. We have since started to build our family relationship and began a search for family in Guatemala. As far as the results of the DNA test, I’m about 74% indigenous. Now, a DNA test doesn’t hold the knowledge of who I am, nor does it give me permission to claim a reality where I don’t exist. It merely allowed me to believe what I already felt in my mind and heart. Someone told me once that to claim to be Maya, I had to suffer Maya sufferings. I don’t believe pain is a prerequisite to indigeneity, but if we are counting experiences, the adoption experience is a very Maya one.

I spent many years trying to keep separate all the parts of my identity: Maya, Guatemalan, American, Queer, Womxn, etc. The way American identity politics evolved in the last two decades also had a hand in this, which is a topic unto itself. And it is still a question that I contend with: Who am I? But my identity doesn’t fit in a box the way American culture and the English language thinks it should. To the best of my knowledge, considering the way I feel, the way I think, and the way I interact with the world, I am Maya American. Which, actually, is a title I gave myself before I found this journal of the same name. When I opened up the first issue of Maya America, I felt a floodgate open, as if someone had finally come for me, and held out a hand to invite me in.

I did not think about this growing up, but I do now: Although I did not grow up around my people, I feel that the imprint of the Mayan spirit has made me who I am. The drive to care for the earth and its creatures, to decolonize the mind and spirit, to keep communal traditions and feelings alive, and the belief in community and the rights of people; these feelings resonate with me even though when I was younger I did not have words to express these ideas. I found a way to verbalize these ideas by myself, and through the Black, brown, and indigenous wisdom that I sought. I believe that the spirit of my people brought me to this point in time. I was not raised to be religious or spiritual, but I now believe that there is a genetic history and a cosmic history that a body can remember, if only one is open to it.
On the Road to Discover My Mayan Voice

Dina Hernandez

Abstract: A young Maya woman recounts her story about growing up “Latina Maya” in Morgantown, NC. As she shares her quest to “discover her Mayan voice”, she reveals insights into the strength of her family and community, and the enjoyment of living.

Keywords: Maya, Latina, identity, Mayan Languages, immigration

For most of my life I grew up believing I was just Latina or Hispanic. I never knew I was also Mayan until my dad talked to me and my siblings about our Guatemalan and Mayan culture. I grew up eating pepian, tamales o chuchitos, t’ix tamal. Drinking mox and pi’chi’ during the cold seasons. Listening to the marimba and dancing the same steps that my ancestors danced long ago. My mother would often dress my sister and me in our chanes for special occasions or holidays. The faldas were woven with blue and green with subtle touches of purple. The cintas woven from the colors of the rainbow. Our blusas or huipiles with the mangas decorated with embroidery or lace. The collar adorned with flower appliques. Despite all that, the one thing I didn’t inherit from my parents was their native language.

In middle school, I began to question who I was, my identity. I knew I was Latina, or so I thought. I was also una Chapina orgullosa. It helped that there was such a big Mayan community in my small town of Morganton. It was nice to be exposed to not only people who came from Huehue, but also people from Toto, Marcos and Q’uiche. It was interesting to hear them talk and to see the different clothing they wore. Maureen was a friend and advocate for the Guatemalan community at our parish. I remember one year during our youth group meetings, she mentioned Rigoberta Menchu, a Mayan woman like me. She talked about Rigoberta’s accomplishments. She began educating the church’s “hispanic” youth group, telling us we were not Latino or Hispanic like many label us but that we were in fact Mayans. A whole different ethnicity than being Latino/Hispanic. My dad then began to encourage us to not label ourselves as Hispanics or Latinos. I recall one school year when I was filling out school paperwork, as many of us younger generation did rather than our parents, that we were required to fill out at the beginning of the school year. My dad and mom said don’t mark Latino/Hispanic because we were neither. I did as I was told, I checked “others” and wrote Maya on the line. However, year after year
I struggled with how to correctly label myself. Do I succumb to just being called Latina since that is how other people see me anyway? My brown skin and long black hair and brown eyes! How could I to prove to them that I was indeed Mayan if I could barely speak our Maya language?

My family is very close, in the sense that we’re tight knit family who do many things together and as a unit. My parents, mainly my dad, would often times sit us down at night before our nightly prayer. We would talk about whatever was on our mind. My parents were big on communicating and often engaged us in dialogue about our religion or what was discussed at church. My parents would also talk to us about their harsh childhood and their journey coming to the US. On special occasions we would gather around a radio cassette player and listen to my grandparents on the cassette updating my parents about family back in Guatemala. You could hear children in the background playing and giggling. They only spoke in Akateko and it was hard for me to understand them. Nonetheless, I enjoyed hearing them talking and envisioning them in front of me. To this day I have never seen my grandparents in person. I’ve only seen them in pictures they send to us. I dream of going to Guatemala at least once before my only living grandfather dies.

During childhood, as time went on and the more I was exposed to Akateko, I became aware of the language. I began to understand a few sentences. Eventually I began to understand conversations my parents were having with each other and with family and friends. Yet, I still couldn’t speak the language. My spoken vocabulary did grow a little but not by much. Much like Spanish some Latinos question their Latinidad simply because they can’t understand and/or speak Spanish. They equate their Latinidad to their comprehension of the language; whether they can speak it or even understand it. That’s how I feel about not being able to speak Acateko. I feel like I’m not Mayan enough because I don’t speak Akateko. When I see younger kids speaking to their parents with ease, I become self-conscious. I feel embarrassed that someone much younger than me is able to speak with their parents and do so fluently. I, on the other hand, speak like a child just learning the language. My parents spoke Acateko around me a lot and because of that I’m able to understand it fairly well. Yet when it comes to speaking the language, it’s a whole different story, and carrying on a conversation with others, forget about it!

While studying at the University of North Carolina at Greensboro, I enrolled in a course called Immigrants Stories. I began to wonder more about my roots and about the history of Guatemala and my parent’s history. In that class we were required to create a project that dealt with an immigrant’s story. We were given free reign to do whatever we wanted. A major topic in class discussions dealt with name and identity. It had been
discussed at the beginning of the semester and by the end of the first month I had already come up with ideas on what I wanted to do my project on.

I had decided to interview my father about the civil war that took place in Guatemala. This topic interested me so much because, when I was about 12 or 13 years old, my dad told us just a little about his experience during the war. He remembered one night in his small village in San Rafael when people began warning them of the guerrillas. Mostly everybody fled the village and went to hide in the woods. While they were hiding in the woods he heard gunshots and had noticed he was missing a few of his cousins. He could hear people shouting and fire consuming the humble dwellings they called home. He and those who escaped spent the night in the woods hiding from guerrillas and the soldiers. When he told this story to us his voice cracked and he would try his best to keep his composure. You could hear how much this event broke him. A part of me knew there was more to his story, but we knew how painful it was, so we never pushed him to finish or tell us that story again.

Now that I was in this class on immigration it gave me the chance to learn more about my father’s story. I did preliminary research at the Jackson Library. I Googled about Guatemala’s civil war. Then, I returned home one weekend to conduct the interview with my dad. I set up a small camcorder that I had checked out from the library and had it facing my dad. I sat in the background to make sure I was off camera because this interview was about my dad’s story, not mine. In the beginning he was nervous but little by little he began to open up, almost as if he felt empowered. Through this interview I had uncovered more about that terrible night he had endured and the days that followed. He told me of a few times where he had guns pointed to his head but for some miracle the guerrillas set him free. After he turned 19, he made a huge sacrifice and left his “mom” (his grandmother who had raised him) and family, to escape the war and its aftermath. That was when he crossed la frontera in hopes for a better tomorrow than what Guatemala could offer him. After the interview I had an even greater appreciation of my parents sacrifices and what they endured growing up in Guatemala.

It wasn’t until my last semester and my last class as an undergrad, that I started to question why I never practiced the language but also questioning my parents and why they never bothered to teach us the language of our ancestors. The course I had enrolled in was called Spanish Syntax: Language and Identity. We discussed in depth about the Spanish language and the sociology behind it, more importantly how it is used as an identifier. For example, Spanish in general is spoken in Latin America, Spain, and parts of the US. Yet the Spanish spoken in Puerto Rico is not the same Spanish spoken in Mexico or even in the US. This course was just four weeks long and by the second week
our professor brought up our final project/essay. She wanted us to conduct research and write about our findings much like the essay we had been reading in the course.

Again I knew almost immediately what I wanted to do. I wanted to write about the children who had parents that knew an indigenous language and how or if they used that as an identifier. I drew this from my own experience. I began to wonder why didn’t my parents teach us Akateko, why instead did they have us speaking Spanish all our lives. I began researching my required articles and looking at the books in the library, and formulating questions for my survey. If it wasn’t for social media, my essay would’ve been difficult to complete. I reached out to all my “friends” on Facebook and individually sent them the survey I had created and asked them to complete it. For example, I had two-part multiple questions, one would ask “How do you identify yourself in regard to languages” and the options I had given were “monolingual, bilingual, or trilingual/multilingual”. The second part to that question was to name the language(s) they knew.

What surprised me was that many participants would label themselves as bilingual or trilingual but would write that they didn’t know how to speak their Mayan language. They understood the language when listening, or anyway they knew a little, but often didn’t want to label themselves as trilingual. It surprised yet comforted me that there were others like me who felt a little conflicted about that. Another question I had also related to identity in the sense of ethnicity. I had participants choose from the following “American, Latino, Hispanic, Guatemala-American, Guatemalan, or Mayan. Then the following question asked to explain why they chose what they chose. I just wanted to see how others would identify themselves knowing or not they were Mayans. For the most part the survey made me realize that I wasn’t alone in feeling like I wasn’t Mayan enough just because I couldn’t carry on a full conversation with others in Akateko. A majority of those who took the survey were bilingual, only knowing Spanish and English. In continuing my research project, I then visited my dad to ask him some questions which then turned into a small dialogue about languages. I simply asked him “Porque no nos enseñaste Akateko cuando éramos niños? O desde el comienzo?”

In short, my father wanted us to assimilate to the Latino culture and to thrive in it, which we sort of did. Although they would occasionally speak Akateko to us, we were never encouraged to speak or learn it. They spoke to us in Spanish while growing up. According to my mom’s standards before I entered school, my Spanish was perfect. Yet as the years passed, she would comment on how I was losing my Spanish. She wasn’t lying. I had trouble speaking comfortably in Spanish, and I would often choose to speak only in English or Spanglish amongst peers and my family. I was embarrassed for my Spanish because I didn’t speak it correctly like many of my Mexican friends. I didn’t
have an identifying accent like one would notice with Puerto Rican, Mexican and even Hondurans at my school. Like my dad always said “aprendí el español de la calle”. He didn't learn Spanish until he was in Mexico on his way to the US and when he arrived in Florida. Even before then my dad didn't have any formal education when he was younger. So he just learned by talking to others he worked with in the fields. My mother on the other hand had some schooling. She only completed two or three years of schooling before she was taken out of school in order to help her parents en los campos. She knew how to read and write better than my dad. Nonetheless the Spanish I learned growing up was more of an informal and slang Spanish. To give a little perspective, I didn't start using “usted” until I got to the university and let alone know much about tildes. Even then I struggled in my classes because I was already programmed to speak and write a certain way, I had to learn how to speak Spanish “the proper way”.

Growing up and even to this day I mix up all three languages. It might take me awhile to spit out what I’m trying to say or sometimes I just don’t think. For example, this past summer my husband, my suegra, and I were setting up for a cookout with my family. For as long as I can remember my family always called coolers, yoga. So my suegra was asking me what else we needed for the cookout and without thinking, I immediately said “yoga”. She gave me a puzzled look not having the slightest idea what I just said. Then my husband was like “Dina, that’s not Spanish”. I began thinking to myself “what is cooler in Spanish”. I laugh now every time I think about it. The words I grew up knowing how to say in Akateko substituted those in Spanish so I’m not very familiar with them sometimes. On some occasions when my siblings and I were chatting we would sometimes throw in some Akateko words here and there without thinking. Words like q’ejín, sa’ xil, ka’ jin, ix, and cha. It was almost like our way of trying to connect ourselves to our Mayan roots linguistically with the limited vocabulary we had.

I still hope that I will learn my Akateko language. Finding language resources has been a challenge. The only thing I had growing up that somewhat helped was a Bible my mom had brought with her from Guatemala. The Bible only contained the New Testament but was completely written in Akateko. At first glance when looking at the pages in the Bible it looked intimidating and all gibberish. Luckily, I caught on quickly and made the connection of how the words sounded with how I thought they were written. During my last semester during my final project I discovered a book that was like an Akateko for Dummies. I got the book on loan from a library from one of the universities in Georgia and was able to borrow it for a month. I did my best trying to create flashcards from it but didn't get much done because of school and assignments. Times have changed and we're in a technological era, and I’m gradually having an easier time finding some resources.
online. I hope to one day speak with my grandfather without having to use an interpreter. And now that I’m working in healthcare, I want to be able to help “my people” because just as my parents struggled learning Spanish, the Maya people I see in healthcare struggle too and at times “le cuesta mucho”. I don’t want them to struggle like my parents did if I can help them. My journey to find my Mayan voice continues.

Author Bio: Dina Hernandez is from Morganton, NC where she lives with her husband of three years and their dog, Bandit. She recently graduated from the University of North Carolina at Greensboro with a BA in Spanish (June ’19). She currently works as a Spanish interpreter at the Good Samaritan Clinic and as a Tele-behavioral Health Coordinator for the Migrant Farmworker Health Program. Her parents are originally from Huehuetenango, Guatemala and speak Akateko. They migrated to the United States in the 70s and from there have created a family here in the US with their five children. Dina is the youngest of her siblings.
Greetings on behalf of the Four Energies of yib'an q'inal. My goal in life is to find ways to help preserve our culture for the younger generation that is growing up within the borders of the United States.

– Gaspar Tomas

Greetings in the name of Heart of Sky, Heart of Earth, Heart of Wind, Heart of Water. In life, I wish to give life to the ancestral teachings of our grandfathers and grandmothers so that the youth can live up to their legacy.

– Lorenza Tomas
Abstract: Brother and sister discuss Maya community organizations in South Carolina and describe how the Church and Maya heritage work together. Their own path to becoming aware of Maya heritage and their establishment of an active and productive Maya youth group give a powerful example of the possibilities for a better future. They hope to connect with and build relationships with other Maya youth groups in the United States.

Keywords: community, Maya, Maya spirituality, Catholic Church, school, Maya heritage

Introduction

Lorenza and I are sister and brother “Maya Americans” from South Carolina. Both of us are the authors of this essay, but you will find two sections that were written individually. It is an honor to share with you our journey to keeping our culture alive. Our parents are from the highlands of Huehuetenango, Guatemala. Our dad is from San Rafael La Independencia (Akateko) and our mom is from Santa Eulalia (Q’anjob’al). Our parents came to the United States to move away from the violence and poverty that was generated by the never-ending civil war in Guatemala. They came to South Carolina in the early 1990’s to join with family members that were already living here. Thus my sister and I are descendants of the Maya Q’anjob’al and the Maya Akateko. We speak Spanish, English, and Maya Q’anjob’al/Akateko. Growing up was a huge struggle especially in school. Since we were the first to be born here, our parents didn’t know English, so they only taught us Spanish and Q’anjob’al/Akateko. Starting school at 5k without knowing any English, was like living in an exotic world where you are unable to communicate with others, a world where no one understands your thoughts or feelings. These memories made us realize that this was what our people had to go through daily to survive in this country. This clearly proves the point of how desperately parents want the best possible life of us.

Growing up as kids, we would hear the adults stressing and worrying about how the culture and the language were dying. Young people no longer appreciated traditional clothing, and no longer valued ancient customs. Since there was no one to help guide the Maya migrants in the US, they were already giving up on hope. This was before the people established the community organization. One main problem seemed to be that when the parents were growing up back in Guatemala, it was risky to identify as Maya. In those times, Maya were targeted by the Guatemalan military due to the Guerrillas (rebels) that was depending on and taking shelter in multiple Maya villages. Outside forces hindered the Maya from expressing and maintaining their way of life. Nowadays
the majority of the Maya population that have migrated to the United States no longer have those outside forces interfering with their culture. Yet, many tend to use the excuses that the officials or government block the ability to express their identity. In the past, we all know the struggles that our grandfathers and our grandmothers had to go through to survive in a world where the whole county is trying to terminate them. But with great hope and faith, they were able to maintain our culture, so that we as descendants of the great Maya lineage are able to carry out their knowledge. If they were able to keep our culture alive during the darkest times of our people, we should have no excuse for not maintaining and giving life to our ancestral roots today. Our culture is dying, not because of outside forces, but because the descendants of a once great civilization that no longer value their customs and their roots. Nowadays, we are our own oppressors. We must open our eyes, come to our senses and start appreciating our ancestral knowledge for which many have given their lives just to keep in existence.

Project 46 (The Maya Legacy)

In my second year in high school, I (Gaspar) was required to do a semester-long project for my AVID class which counted as a major grade. The project was called “The Passion Project”. There were two requirements for this project. The first was to do research on a topic that we’re interested in and create a PowerPoint to teach the whole class on all that we had learned. The second was to create a demonstration or hands-on learning activity to help with a visual demonstration of what we studied. The topic that I choose was the writing system of the Ancient Maya. I was told as a kid that there was no evidence of any writing or number system in which the Maya had used to communicate or keep records of time. It wasn’t until the misunderstood 2012 Maya Prophecy became publicly discussed that I realized that the ancient Maya had a writing system and calendar (later finding out that there was indeed a number system as well).

The AVID project gave me a key to the door that would later help me regain the ancestral knowledge of my people. Since the project was to take the whole semester to carry out research on our topics, this was enough time for me to learn a handful of material. I was able to learn ancient Maya hieroglyphs (glyphs), mythology, astrology, iconography, and the tracking of time using multiple calendar cycles.

I realized that like European civilizations, my ancestors had their own mythology and philosophy on how they viewed the world. The only problem is, half of that knowledge is lost or was destroyed during the Spanish conquest. During this project, I also stumbled upon the Maya Codices. These were screen folded books that the Maya once used to keep
a record of the movement of celestial bodies and time. As of today, only three are known (Dresden, Madrid, Paris Codex) and fragments of a fourth Codex (Grolier Codex). The infamous Father Landa, during the inquisition of 1562, burned many Maya books of records and perhaps history, as Landa claimed the books represented the work of the devil. When studying these Codices, I was fascinated by the Dresden Codex, which is safely preserved in the museum of the Saxon State Library in Dresden, Germany. This codex is full of art that represents both the ancient iconography and astrology of the Maya. I also learned that the Maya had multiple ways to express their thoughts. The glyphs can be simple, complicated, or abstracted to represent multiple things in one glyph.

In working with this project, I put together two PowerPoint presentations to teach the class. I also constructed an eight-page version of the Dresden Codex along with custom name glyphs for my classmates. I named the overall project “Maya Legacy” or Project 46 with the slogan of “Our Hope, Our Future, Our Culture”. In subsequent years, I have continued searching for more information. I started to study the Popol Vuh, and the Q’anjob’al culture and language with hopes to preserve not only the culture itself but the origins to the ancient roots.

![Figure 1: Tz’ib’ Heb’ Jichmam Maya, 8-page replica of the Dresden Codex By: Gaspar Tomas](image)

Comunidad de Los Arcángeles (CLA)

Most of the Maya population of Laurens had forgotten how to incorporate their ancestral customs into their Catholic faith, resulting in the loss of cultural identity. Therefore, in 2014 a small group of Maya Akateko, Q’anjob’al, Jakalteko and Chuj established the Comunidad de Los Arcángeles (CLA). This community is predominantly made up of Akateko from the towns of San Miguel Acatán and San Rafael La Independencia.
Other members originate from neighboring towns such as San Sebastian Coatan (Chuj), San Pedro Soloma, Santa Eulalia (Q’anjob’al) and a few from Jacaltenango. Everyone has origins from the highlands of Huehuetenango, Guatemala. The community was founded to help each other spiritually using our customs. These customs are the product of the collision of two religions; the Maya religion and the Catholic faith. The *patrones* (patron saints) of the community are San Miguel Arcangel (Saint Michael the Archangel) and San Rafael Arcangel (Saint Raphael the Archangel). They are the patron saints because they are also the *patrones* of the towns back in Guatemala. To the Akateko people, this pays homage to their birthplace and makes them feel closer to their home. The community saying is: *kojích’ulal, kojíq’b’ej, kojínatil* (Our faith, our role, our roots). This is also the same saying for Neo-Q’anjob’al (see below) where it is interpreted as a symbolism of the three scared hearth stones of creation. The overall goal of CLA is to unite the people together though the Church. In partnership with the Maya community in Greenville, SC (*Comunidad Maya Guatemalteca*), predominantly Maya Chuj of San Sebastian Coatan, we are able to walk forward together as one. Paving roads and bridges between our Catholic faith and our Maya identity, for the future of our people.

Figure 2: *Encuentro* between CLA and Comunidad Maya in Laurens, SC

*Maya America*
Neo-Q’anjob’al

What started as a school project, became Neo-Q’anjob’al, the Youth Organization attached to Comunidad de Los Arcángelitos. Our group focuses on representing our indigenous culture and maintaining our beliefs, our language, and our customs. Our hope is to open the minds of the parents that don’t see the connection between the Maya culture and the Church itself. Many are still in the mind set of living in fear because of their Maya lineage but we are here to help them realize that was in the past and that we are in a safe environment to let our culture thrive once again.

With the knowledge that was gathered from the previous stage of the project and countless hours of participating with the community, we had enough experience to form the first youth group in our community. Using what we learned, we were able to educate the youth through proper methods of enculturation to carry out multiple performances and activities both for the Church and our culture in our community.

In the near future, we hope to make connections with other Maya youth groups and to create relationships in every existing Maya community in the United States. We hope to give the youth an opportunity to elect representatives that would run and compete for the title to represent the Maya American youth. This would also give a chance to meet annually to showcase works and findings that can be used to help bring light to the Maya culture for the new generation of Maya Americans.

As the children of the...
great Ajaw, it is our destiny to keep our customs alive. Some may have forgotten their roots, but we are here to replant. No one shall fall because we are here to help raise one another as in the teachings of the Popol Vuh.

***Neo-Q’anjob’al also consists of multiple divisions of mini projects that help support the overall mission. For example; Snuq’ Te’ Koos, Estilo Maya, and with support from Comunidad de Los Arcangeles (CLA).***

**Txan Txajul Un’ (The Holy Bible)**

Most of the Maya people will claim that they know and understand Spanish, but in reality, about 75% are unable to fully comprehend the context fully. Since one of the goals of the community is to help strengthen our faith, it is crucial for the people to understand the Holy Bible. In order to do that, it must be translated into their native tongue. Today, there are versions of the Bible translated into Q’anjob’al or Akateko but the problem is that they contain vocabulary that we do not use in the Catholic Church and terminology that is unknown to the Maya people. Not realizing this, many still use these versions every time it is their turn of the week to read the gospel to the community that gathers to pray the rosary. I (Lorenza) decided to act by helping to translate the Bible verses every week when it’s my turn to read the Gospel at rosary. I translate the Gospel into the Q’anjob’al language by using an alternative vocabulary in a way that the people will relate to and understand. By doing so, this increases chances that people will understand the hidden messages of the Gospel each week.

**Dance Performances**

For the dance performances that we coordinate and execute, our goal is to maintain ancestral knowledge through performances that reenact key points from the *Popol Vuh* and other traditional customs that the Maya Q’anjob’al and Akateko value in their daily life. We believe that by doing this, participants will gain a deeper understanding of the message that we are trying to promote, and in addition we are setting an example to the youth of other surrounding communities to be proud of their roots and that they shouldn’t be ashamed of their identity.
The Representatives of CLA

Two years after people established the CLA community, they decided to start the practice of having representatives that would represent our community/church and our culture. As of now, we are currently on the fourth cycle. Under the titles Madrina de Consejo Ancestral, Reina Flor de Los Arcángeles, and Princesa Flor de Los Arcángeles, young females are nominated by the community to represent the people for one-year. Neo-Q'anjob'al is currently guiding and educating these young leaders so that our community is well represented.

Maria Lopez (Princesa 2016-2017), Lorenza Tomas (Madrina 2016-Present)
Lorenza Tomas (Reina 2017-2018), Feliciana Cruz (Princesa 2017-2018)
Dolores Andres (Reina 2018-2019), Maria Deleon (Princesa 2018-2019)
Elida Manuel (Reina 2019-2020), Rosalinda Esteban (Princesa 2019-2020)

Figure 6: Princesa/Reina Flor De Los Arcangeles 2016-2020.

Kaxo21 (Snuq’ Te’ Koson)

Snuq’ Te’ Koson (Voice of our Marimba) is the digital preservation and promotion of our culture/marimba that represent Maya Q’anjob’al, Maya Akateko, Maya Chuj, and Maya Popti’. Snuq’ Te’ Koson is maintained through the YouTube channel @Kaxo21. This channel focuses on promoting the Marimba of Huehuetenango. This is also one of the digital platforms that we utilize to upload videos of all the annual works and activities from CLA and Neo-Q’anjob’al.
***Half of the revenue that is generated through this channel helps fund Neo-Q’anjob’al.***

Nuestra cultura entre los sones de nuestra marimba que hacen eco los nombres y sentimientos de nuestros antepasados!

Kob’eyb’al xol snuq’ te’ kooon, chi yaq’on snuq’ ob’i k’al ok’ uwilal heb’ jichmam.

Our culture within the melodies of our marimba echoes the names and sentiments of our ancestors.

– Gaspar Tomas

**Estillo Maya**

Estillo Maya is the name for our online store on eBay that helps generate funds that will buy materials such as traditional garments, ceremonial candles, sacred objects, flowers, live Marimba, and decorations both for Church celebrations and Cultural Events. This is the fundraiser division of our group, made solely to help raise money.
The Work of Expert Testimony: Central Americans, Human Rights Defenders, and Immigration Courts

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Abstract: Anthropologists have worked in legal arenas as experts on civil, criminal, and asylum cases throughout the history of the discipline. Today expert witnesses give opinions on the conditions of countries where immigrants flee, and that work includes ethnographic interviewing, research into the causes of political and social violence, and appearing in court through written affidavits and personal testimony. Expert testimony today includes helping in the defense of people fleeing intimate partner violence, persecution based on sexual orientation, threats and violence by gangs, and those whose political opinions put them at risk. Immigrants in the United States face institutional culture shock, structural violence, and criminalization of their lives. Case studies of immigration, civil, and criminal cases illustrate how theory and practice intersect in the harsh light of court cases.

Keywords: immigration, Central America, Maya, expert testimony, criminalization

Introduction

“You don’t mind interviewing someone in shackles, do you?” was the question from a defense attorney representing a young man² up for sentencing and afterwards deportation from the United States. I had never been asked that question, and the very question shocked me out of my insular world of academic anthropology. The young man had been arrested for driving without a license on his way to his job and now faced a mandatory federal prison term, not for driving without a license, but for the felony of returning to the United States after being deported. “Francisco” had come to the United States when he was seven years old with his mother and lived in a Western state. Today, he might have been considered for legal status under the DREAM act, but he was not

¹ This article is based on experiences working in civil, criminal, and immigration courts with immigration lawyers working in non-profit settings, public defenders, and lawyers from major law firms doing pro-bono work with immigration. I am grateful to all of the people I have worked with to provide affidavits and testimony regarding the social, political, and cultural conditions of Mexico and Central American countries, most especially those who have applied for asylum or related legal status in the United States.

² All people described here have been given pseudonyms, their cases altered, and names of locations disguised to respect the privacy and confidentiality of all involved.
that lucky. He was arrested with some friends when he was 17 years old for shoplifting in a mall, and since he did not have legal papers, he was put into detention and awaited his removal from the United States. His first time in detention was traumatic, as he was of slight build and young which made him vulnerable to sexual attacks. Others in detention said that he could protect himself by having some “prison tattoos” drawn on his arms. He told me that he wanted to look “tough” in order not to be assaulted. His tattoos included several of the Virgin Mary, a fancy car, and the name of his mother. After he was released, he was deported back to Central America. He went back to a city where a distant uncle lived, in a country he barely knew. Without work or anything to do, he was hanging out in front of a convenience store when a car drove by and shot him several times, leaving him severely injured. He recalled from the hospital bed that the shooting was carried out by people in dark uniforms like the police wear. He asked, “why did they shoot me?” but he had no answer. He was released from the hospital a month later and spent a year in a wheelchair. This was in a time of the “Iron Fist” (Mano Dura) in Central America where solution to gang violence was seen in harsh, even lethal, treatment of suspected gang members. Francisco was at risk, so he returned to the United States and found work laying tile with a construction company. He did well, supporting his mother and doing his best to be part of an immigrant community. But without prospects of obtaining a driver's license, he drove to work each day, hoping not to be stopped by the police. His older van was recognizable as the type of vehicle used by immigrant workers, and one day he was pulled over for not fully stopping at a stop sign. He was judged to be a felon by the courts for crossing the border twice without papers and was sent to detention until his court date could be scheduled to sentence him for the crime of driving without a license and the moving violation.

I was asked by a public defender to write an affidavit about the conditions of his home country and to later appear in court to support the petition for a lower sentence for Francisco. I wrote a twenty-five-page report about the conditions of his home country. After I talked with Francisco for forty-five minutes about his life and fear of being deported again, the Public Defender and I accompanied him into the court. We sat through two other capital cases involving drugs and severe violence. I was sworn in by the judge as an expert on the “social, political, and cultural situation in Mexico and Central America,” and proceeded to describe the lives of young people in Central America today. I have carried out research in Mexico, Guatemala, Honduras, and El Salvador throughout my career, and because I am in those countries four or five times a year, my knowledge of contemporary life in the region was deemed as “expert” for the sentencing. The attorney for the government questioned me about any violence I had seen and if I had known the
young man before I was asked to testify. I described urban violence in the countries, including that which I had experienced, and stated that I did not know the client until I met him that morning. “But why does he have tattoos?” asked the government lawyer. I argued that it was a protective response to prison. When it came time to plead for reduced sentencing, the judge was sympathetic, but said he was bound by mandatory minimum sentencing regulations. At the end of the hearing the judge thanked me and gave the young man the minimum sentence of five years, after which he would be deported. When the judge asked if Francisco had anything to say, he expressed sorrow that he had been driving without a license and for not fully stopping at a stop sign. He asked if he could be sentenced to serve his time in another state where his mother lived so that she could come and visit him regularly. The judge said he would do what he could. Francisco was led out of court in his orange jump suit and shackles, and the Public Defender and I took the elevator down to the first floor with the government attorneys. “It’s too bad someone doesn’t tell them not to get tattoos,” one of the attorneys said. “It’s hard for a judge to have any sympathy for guys like that with tattoos.” I remember thinking of how many college students on the campus where I teach have tattoos and yet they are not assumed to be criminals like Francisco.

**Institutional Culture Shock**

Maya people from Mexico, Guatemala, Belize, and Honduras and their non-Maya neighbors now living in the United States and Canada face institutional culture shocks. Institutional culture shock is in the court room where previous cases of murder, drugs, and other crimes influence judges and attorneys when they see young men like Francisco on the stand. Institutional culture shock is the danger faced in prisons and other detention centers where being young and frightened leads to sexual violence. Institutional culture shock is the difference between the reputation of “El Norte” as a place of opportunity and safety and the reality of distrust, hatred, and oppression that pervades the lives of immigrants. A Maya friend who had worked in a chicken processing plant, cutting up meat all day, wounding his hands and fingers in the process, asked if I could help him make a video about the United States. He said he wanted to show people back in Guatemala what life is really like here. Institutional culture shocks in the criminal justice system are especially common given the differences in legal systems between Maya communities, Mexico, Central America and U.S. case law, and the number of lawyers, interpreters, court officers, and expert witnesses involved in proceedings.
Expert Testimony

I have had the opportunity to work as an expert witness in civil, criminal, human trafficking, asylum, and deportation cases. I have helped with cases over a hundred times; about a third of these cases involve Maya individuals or families. The rest are people from cities and communities where indigenous identity has long since disappeared or who simply know they are from a place where they left as a child. Today there are many young men and women who were orphaned or came to the United States as unaccompanied children and became parts of immigrant communities.

Anthropologists have worked in legal fields since the beginnings of the discipline, and expert testimony work by anthropologists has a tradition that includes Robert Redfield, who was a lawyer as well as an anthropologist. He successfully argued that there is no scientific basis for segregation of schools in the Supreme Court case, Sweat vs. Painter (Van Willigan 1980). Those arguments were later used in the landmark Supreme Court case, Brown vs. Topeka Board of Education, that made it unconstitutional to have segregated schools in the United States. Among many other anthropologists who worked as expert witnesses is Henry (Hank) Dobyns, whose testimony led to formal U.S. Government recognition of the Hualapai people in Arizona and their claims to traditional lands (McMillan 2007). Dobyns and others who worked as expert witnesses in favor of American Indian rights and recognition met together in 1954 to hold the American Indian Ethnohistoric Conference. That conference led to the founding of the American Society for Ethnohistory and the journal, Ethnohistory (Jones, 2010). The conflicts of Central America in the last half of the 20th century led to an increase in anthropologists working as expert witnesses, among them, James Loucky, Debra Rodman, Lynn Stephens, and Elizabeth Kennedy. There are many, many others working to apply their knowledge of different parts of the world in favor of just treatment of immigrants.

Commodification, Ethics, and Payment for Services as an Expert Witness

I do not charge for reports or testimony as an expert witness. In part this is based on my own belief that the arguments I put forth in cases should not be monetized or in Marxist terms, “commodified” into objects for sale. Some law firms are so surprised that I do not charge for my time that they have me sign agreements that I won’t charge them in the future, but most accept that pro bono testimony is best for the cases. I once asked an attorney from a large firm where the funds would come from if I asked for an honorarium. He said that they would charge the clients and that when experts charge for
their affidavits and testimony, families and others donate to pay the expert. I understand that other experts do charge for their help, but in my case, I believe that my knowledge and support is more effective when it is not done for money. I always enjoy telling judges and government attorneys who ask how much I am receiving for my testimony that I am not receiving anything at all.

The Courts

Court appearances are common among Maya and other Central American and Mexican immigrants to the United States. These interactions with the justice system are part of the every-day fabric of immigrant lives, and experiences with police, jails, lawyers, interpreters, and judges are as much a part of the culture of immigrants as are employment opportunities, religion, family, and housing. People like me who serve as expert witnesses are part of that institutional scenery that immigrants become familiar with in the United States. Other experts might be psychologists, medical doctors, and experts from the countries who have knowledge of conditions there.

From the standpoint of jurisprudence and the activities of all involved, there are clear distinctions between different courts: civil, criminal, local, state, and federal, as well as the kinds of proceedings, including hearings, trials, sentencing phases, appeals, to name a few. And while it is clear to Maya and other Central American immigrants that something like a capital crime is different than an asylum hearing, the institutional contexts of the judicial system is similar. Courtrooms look similar, the protagonists (judges, lawyers, clients, witnesses, bailiffs, and the public) are spatially arranged in similar ways, and the formality of power and authority predominates in speech and action. Both immigrants appearing in court and expert witnesses quickly learn that immigration law is an adversarial system: truth is expected to arise out of confrontational arguments, harsh cross-examinations, and adversarial opinions. An expert witness gives “opinions,” and not testimony, because an expert witness does not have firsthand knowledge of events that happened that led a person to flee their home. It is the work of the government attorneys to question an expert’s qualifications, sources of information, and opinions about social conditions in a country, and that questioning is often done with aggressive disdain. Judges, too, can join in the adversarial interrogation of an expert. I once had a judge ask if I knew anything about Nigeria. When I answered that I did not, he said, “but child abuse in Nigeria has to be much worse than what you claim is the case for Mexico! After all, it was in Nigeria where an entire school of female students was kidnapped a few years ago.” Lawyers working as human rights defenders take the time to prepare experts
for the style of courtroom argument. Those fleeing their homes and seeking asylum are subject to this same style of courtroom argument by lawyers and immigration judges. Immigration judges are in all but a few cases impartial, but their impartiality is often imbued with skepticism about the experiences of asylum seekers.

**Structural Violence and the Courts**

“Pilar” was a young, mono-lingual Maya woman who came to the United States from Guatemala when she was fifteen years old. Pilar became married at eighteen and a year later had her first child. She was living in a farm working community on the East Coast with a preponderance of Mayan speakers and so she had little opportunity to speak anything other than Mayan.

Two days after she gave birth, Pilar was put into a psychiatric ward of a hospital a hundred miles from where she lived. She had experienced severe post-partum depression and had wandered away from her home with her baby. When the police approached her walking on the side of the road, she was crying and speaking Mayan. The police were unfamiliar with the Maya community and so brought her to a hospital where she was remanded to a psychiatric ward for “babbling and speaking in tongues” and unable to communicate with the nurses or other hospital staff. She was admitted to the psychiatric ward under the “Baker Act” of the State of Florida that allows for psychiatric care if someone is incoherent and is considered a threat to themselves or others. The Circuit Court of Okeechobee, Florida describes it as follows:

**What is a Baker Act?**

A Baker Act is a means of providing individuals with emergency services and temporary detention for mental health evaluation and treatment when required, either on a voluntary or an involuntary basis.

**How are voluntary and involuntary Baker Act Admissions different?**

A voluntary Baker Act is when a person 18 years of age or older, or a parent or guardian of a person age 17 or under, makes application for admission to a facility for observation, diagnosis or treatment.

An involuntary Baker Act is when a person is taken to a receiving facility for involuntary examination when there is reason to believe that he or she is mentally ill and because of his or her mental illness, the person has refused
voluntary examination; the person is unable to determine for himself or herself whether examination is necessary and without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself and such refusal could pose a threat of harm to his or her well being; and there is a substantial likelihood that without care or treatment, the person will cause serious bodily harm to himself, herself or others in the near future as evidenced by recent behavior.

**Are there other criteria to know if a Baker Act is appropriate?**

Yes, there is an additional criterion for a voluntary and involuntary Baker Act not included here. For example, a law enforcement officer may transport an individual to a facility for evaluation if there is reason to believe that the individual’s behavior meets statutory guidelines for involuntary examination. (Circuit Court of Okeechobee, 2015)

One of the Spanish speaking staff at the admitting hospital called a local church. Someone there contacted a Maya association in the area as her Guatemalan Mayan blouse and skirt suggested that she was part of the indigenous immigrant community. One of the leaders of that association called me and asked if I could help talk with the hospital. Neither the doctor nor others knew that the Mayan language was still spoken, that there were Maya people in the state, and that many Mayan speakers are monolingual in their language with only a cursory knowledge if any of Spanish, or even less, of English.

Pilar was not seeking asylum, nor was she in the court system under formal arrest or detention. Still, she met the U.S. criminal justice system through the police, who did not put her in jail, but rather effectively incarcerated her, by referring her to the psychiatric ward. This kind of detention, and the treatment of “Francisco” described earlier are ways in which the history of immigrant experiences with the criminal justice system in the United States becomes transformed into institutional culture shock. This culture shock becomes part of the fabric of everyday life in immigrant communities.

**Structural Violence in Immigrant Communities**

Individual police, lawyers, judges and those of us who serve as expert witnesses are the agents of these institutional culture shocks, but behind the individual cases is the structural violence against Maya communities throughout the history of Mexico and Central America. Paul Farmer discusses the characteristics of structural violence and
how even well-meaning members of the society like expert witnesses, are, in fact part of it:

Structural violence is violence exerted systematically—that is, indirectly—by everyone who belongs to a certain social order: hence the discomfort these ideas provoke in a moral economy still geared to pinning praise or blame on individual actors. In short, the concept of structural violence is intended to inform the study of the social machinery of oppression. Oppression is a result of many conditions, not the least of which reside in consciousness. (Farmer, 2004, p. 307)

The experience of serving as an expert witness puts structural violence in clear relief. In the case of Francisco, the sentencing judge had sympathy for his experiences, including the relatively minor crime of shoplifting something of very little value, the violence he met when he was deported back to a country he did not know, and the circumstances of being arrested on a traffic violation while he was gainfully employed. Still, the structural violence Francisco experienced required a sentence of five years in federal prison. The case of Pilar illustrates how the existence of Mayan language, society, and communities has been systematically “erased” from the history, especially the popular history, of Mexico and Central America. As Farmer puts it, “Erasing history is perhaps the most common explanatory sleight-of-hand relied upon by the architects of structural violence. Erasure or distortion of history is part of the process of desocialization necessary for the emergence of hegemonic accounts of what happened and why (Farmer, 2004, p. 308).”

“Diana” was a young woman who came from an indigenous community and suffered a sexual assault when she was fourteen years old in the United States. The baby was born stillborn and premature in the bathroom of a gasoline station. She was overcome with fear and tragedy and was ashamed of her ordeal. She put the corpse of the baby in a garbage bag and left it in the bathroom. Once it was discovered, and her identity discovered as well, she was arrested for murder and confined for more than a year in jail while she awaited trial. She said she didn’t even know she was pregnant. Her Public Defender contacted me and asked for a written affidavit about whatever I might provide to shed light on the case. The report of her arrest included a description by the police that she had put toilet paper in the nose and ears of the baby, evidence to them that she had committed murder. I had attended several funerals in Mexico and Central America, and knew that there, as well as many other parts of the world, especially in Muslim communities (Mosque, 2015), cotton is put in the orifices of the deceased to stem the “odor of death.” I happened to be
traveling to Central America at this time, and so while there I asked a fifteen-year-old young woman what one does when a baby dies. She said that to combat the “ajillo” literally “garlic” or odor of death, cotton or small pieces of cloth are put into the nose and ears of the baby after death. Diana was released due to the medical review of case as well as the description of practices surrounding death in Maya communities.

Diana’s case is made up of the structural gender violence against women in Maya communities coupled with the structural violence of immigrants facing the U.S. criminal justice system. One criticism that can be made of the concept of structural violence is that it removes the blame from individuals and places it on society and history writ large, while at the same time not allowing for individuals, like Public Defenders or perhaps us expert witnesses, who work to combat the harm that structural violence does to real people within the criminal justice system. A more effective way to define structural violence in these and other cases is to see it as constructed out of real events with a constellation of people who are seeking a resolution to a problem. That resolution results from the articulation of the knowledge, information, and arguments of people with quite distinct roles: the clients, arresting officers, defending and opposing attorneys, judges, interpreters, families, and experts called to help in explain a case on both the side of the defense and the prosecution. This theory asserts that culture is constructed everyday out of the articulation of difference rather than the replication of uniformity (Wallace, 2003, p. 213). The articulation of diversity within the criminal and civil justice system means that arguments, conflicts, adversarial positions and the like are the building blocks of resolving conflicts, even large and historically long conflicts such as structural violence. Applied work like working as an expert witness is not acquiescing to the system of oppression of Maya people, but highlighting and emphasizing the diversity that leads to structural changes.

Cultural Competency

One of the concepts that judges and especially expert witnesses from the field of psychology use extensively is the competency of a defendant to stand trial (Miller, 2012, p. 28). Generally described as “psychological competency,” the ability of someone to assist with their defense, understand the charges and proceedings against them, and testify truthfully are within the larger context of assessing mental illness not only at the time of an event, but also during court proceedings. “Jorge,” a Maya immigrant who committed a felony offense, was set to go to trial after spending over a year in jail awaiting trial. I was contacted by a Public Defender to talk with the defendant
and testify on his behalf in court because, according to the Public Defender, Jorge did not seem to understand anything that was happening to him. The Public Defender also contacted three psychologists to ascertain Jorge's fitness to stand trial. I traveled to the state where Jorge was being held and interviewed him several times. Jorge had learned “Jail-yard Spanish” while incarcerated, and his first and most fluent language was one of the Mayan languages of Guatemala. I interviewed him in a combination of Mayan and Spanish, using my own knowledge of a related Mayan language and a list of terms and concepts concerning behavior, blame, and Maya Law in Guatemala (Hessbruegge, 2015). I learned by talking with the victim’s family and others in the Maya community that his transgression had been forgiven by the victim, the family, and the Maya community in both Guatemala and the U.S.

Jorge was born in a community in the Northwestern Highlands of Guatemala that was particularly brutalized during the Guatemalan civil war (1960-1996). His village was subject to several massacres of residents by the Guatemalan military (Schirmer, 1998), and his parents had escaped during the 1980s, leaving him under the care of elderly and monolingual grandparents. His experience with criminal justice while growing up consisted of watching a young man covered with gasoline and then burned alive by the mayor of the town for a relatively minor offense. His home village was very traditional, and he knew that offenses were mitigated by having guilty parties “shamed” by carrying rocks around the town square or doing menial public jobs in front of villagers.

“Cultural competence” is most often described as something that care givers such as physicians or counselors (Sue, 2009), or judges learn in order to be sensitive to the backgrounds of people from different countries as they confront institutions (Tusan, 2015). Arguing that it is a characteristic of indigenous people, especially Maya people who have struggled to have Maya Law recognized by the Guatemalan constitution, was difficult considering the years of tradition in the U.S. court system that only recognizes psychological competency. At the hearing about competency the three expert witnesses and I testified that Jorge could not understand the trial nor help in his own defense. The three psychologists had some difficulty as two of them found him not competent based on psychological tests that they administered through a Spanish speaking interpreter, and the third found him marginally competent through assessment via an interview, also with an interpreter. I described how Maya Law (based on community cohesion), Guatemalan Law (based on French Civil Law), and U.S. Common Law all had very different principles, procedures, and logics. Added to this was Jorge’s experiences during the times of violence in Guatemala, his lack of any formal education, and his orphaned status in Guatemala.

After testifying, the Public Defender thought that the judge would not accept my
argument for a lack of cultural competency. This was in part due to the weight of the testimony of the three psychologists, even though their testimony was not conclusive, but more because I was asking the judge to set a case precedent of the concept of “cultural competency” of defendants that would be used in proceedings across the country. Several weeks later the judge ruled that Jorge was not “competent” to understand the court proceedings nor assist in his own defense. The judge did not state whether this was due to his mental state or cultural knowledge, but he did rule that Jorge had to receive “cultural training” in U.S. jurisprudence before his trial could begin. I was able to find an attorney who spoke the same Mayan language as Jorge and according to the judge’s ruling, was able to educate Jorge on U.S. courtroom expectations and procedures.

During the trial, a critical issue arose as I listened to the proceedings. Jorge sat with two young women from the Maya immigrant community who had been certified as interpreters in court. The proceedings were complicated, and it did not appear that the interpreters were explaining the adversarial positions of the attorneys in much depth. The Public Defender also noticed this and asked for a delay in the trial while the transcripts of the interpreters talking with Jorge were sent to the U.S. Department of Justice. The Department of Justice reviewed the transcripts with several native Maya speakers and ruled that the interpreters were not competent in understanding and translating the legal language of the courtroom. Jorge received a reduction in what very well could have been a life sentence that had been proposed by the prosecuting attorney to one of eight years.

The judge in this case came very close to ruling that cultural competence of clients was an important part of the proceedings but stopped before actually citing the concept. During my testimony the prosecuting attorney interrogated me about the concept of culture, whether cultures change, and whether an individual can learn a new culture. The hesitancy on the part of the final ruling of the judge was in part based on the long-established precedent of “psychological competency” with the forensic tools of psychologists available for determining the mental state and abilities of those involved in court proceedings. A second reason for hesitancy to cite the concept was that my argument had been based on the existence in the Guatemalan constitution of “Maya Law.” If competency in this regard had been accepted, then anyone growing up under any other legal system could be deemed not culturally competent. Unlike a mental illness, one can be culturally competent in more than one system (just as someone can speak more than one language), and someone can also learn to be competent in a different system under which one lives. But by ruling that Jorge had to be educated to understanding U.S. laws and court behavior, the judge approved of the concept without setting a legal precedent for future cases.

Jorge’ criminal case hearing and trial and my involvement in them illustrate that
work as an expert witness involves academic, social, and legal relationships with many people: the person involved, sometimes their family, expert witnesses from different academic backgrounds, prosecuting attorneys, and defense attorneys, including public defense lawyers. To put it simply, this can be a messy business. The clients are often responsible for some sort of transgression, expert witnesses, especially those who have been doing such work for many years, can be antagonistic towards specialists from other fields like anthropology, prosecuting attorneys have years of experience in adversarial interrogation, and public defenders are so overworked that little attention can be given to the subtleties of each case.

Asylum

Political asylum historically has been granted to members of identifiable groups who face a well-founded fear of persecution based on their religious, political, or social beliefs or affiliation. The U.S. Citizenship and Immigration Services web site describes asylum for immigrants as follows:

“Every year people come to the United States seeking protection because they have suffered persecution or fear that they will suffer persecution due to: Race, Religion, Nationality, Membership in a particular social group, Political opinion (United States Citizenship and Immigration Services, 2015).”

Many anthropologists who have worked in war-torn areas such as Central America have been asked to write affidavits or give testimony in asylum hearings, especially during the times when armed conflicts were in full force. The physical violence of wars, massacres, and large-scale violence was well documented in both scholarly articles and books as well as news media, and so serving as an expert witness in those cases was straightforward. The political slant of the U.S. and other governments often led to disparities in the success rate of petitioners from what were considered “friendly” vs. “unfriendly” regimes, but even given the role of political ideology, evidence of torture and persecution of groups of people like the Maya of Guatemala was available.

Recently, however, asylum petitions have become more common for LGBT people, especially as their status as members of a vulnerable and persecuted group is more and more recognized. But making a case for political asylum based on LGBT status is difficult. In the case of Honduras, an upswing in assassinations and violence against LGBT people
occurred after the government of President Zelaya was overthrown in 2009. Linking prejudice, discrimination, and persecution to political repression makes asylum based on LGBT affiliation more likely.

“Samuel” was with his partner in a major city of Honduras when his car was stopped, his partner abducted and later found murdered on a side street in the city. Samuel received threatening phone calls and notes, warning him that he was next for having a homosexual relationship. He fled to the United States and applied for asylum, seeking the help of a university law school clinic for his case. I was asked to write an affidavit in support of his petition, even though my own work in Honduras and Central America was not focused on LGBT issues. I discussed the role of the political climate in my affidavit:

**The Coup d’etat of 2009 and Violence against LGBT People**
The elected president of Honduras, Jose Manuel Zelaya, was removed from office in a violent coup d’etat on June 28th, 2009. Zelaya was a populist president who had encouraged ethnic group self-expression, women’s group formation, educational reform, and a national dialogue on human rights of LGBT people in Honduras. The aftermath of the coup led to a violent and lawless time in Honduras where the constitution and criminal codes were not in full force. LGBT people were especially vulnerable to attacks, harassment, and murder. In the first six months after the coup in 2009, 19 LGBT people were killed. Although hate crimes that targeted LGBT people were common before then, this spike in death threats and death marked a change where LGBT people were particularly targeted as a group in Honduras. The social openings for ethnic groups, gay activist organizations, and journalism that characterized the populist regime of Zelaya quickly became the focus of repression. It was during 2009-2010 that Human Rights Watch and other international organizations began to highlight the fear, intimidation, and violence that LGBT people face in the country (Affidavit of Allan Burns).

A complicating factor with the petition of Samuel was that he also had a wife and children. This was potentially a risk for Samuel, as his status as someone persecuted for being a member of the LGBT community could be questioned. I wrote in my affidavit that:

People in Honduras, as in other Central American countries, live in a complicated world of values, fears, and behaviors that surround sexuality. Honduras has no provisions for LGBT couples to marry, nor can they adopt
children. As mentioned earlier, any expression of same-sex affection or similar behavior is subject to police detention based on the criminal code that give police the authority to define public morality. The Catholic Church and other institutions likewise have strong negative reactions to LGBT beliefs or values. As a result, it is common for LGBT people to remain in the closet or to have “marriages of convenience” with other LGBT people. These clandestine couples, as they are known, are able to survive the brutality of Honduran social, cultural, and police reactions to being LGBT. Admitting one’s sexuality as LGBT or “coming out” is relatively rare, and when it does happen, responses are swift and often violent. For example, when the Inter-American Commission on Human Rights requested that the government provide protective measures to LGBT activists, the response was a full-page story in the national newspaper publicizing the names of individual activists. This suggests that institutions such as newspapers are quick to reinforce intimidating tactics against LGBT people in Honduras (Affidavit of Allan Burns).  

Along with LGBT violence and persecution, more and more asylum and other petitioners are basing their requests for safety and stopping removal proceedings on rape and the threats of rape and murder. “Antonia” is a woman from Central America whose husband came to the United States in order to support her and her two young children, one who was disabled. She was extorted by members of a gang for “renta” (rent) because she had a relative in the United States. She refused and both of her children were threatened. A few days later four men came to her home and knocked her unconscious and then gang raped her in front of her child. She escaped to the United States and sought protection as a victim of rape and violence by virtue of her belonging to a recognized social group, that of women who refuse extortion by gangs in Central America. Antonia was from an indigenous community, and the gang members who raped her were from that same community. In this case, it could not be argued that a government had been responsible for the “well-founded fear of persecution,” but rather her fear was based on the actions of an extremely violent gang whose brazen and horrible acts were done without any attempts at hiding their identity.

Politically motivated asylum claims continue to appear. The infamous “maras” or gangs of Central America have established themselves as de-facto governments in large

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3 Samuel did receive asylum status and is now living and working in the United States.
portions of Central American countries. They control territory, extract taxes through extortion, have a system of justice based on organizational structures and roles, and even negotiate with governments at local and national levels. A person can be at risk for the political opinion they have when they refuse gang hegemony through membership in a church, refusing to give up children to gangs, and refusing to pay “la renta” or the tax demanded by gangs. Institutional governments are often unable to protect citizens from reprisals by these non-governmental actors, and so the opinions of experts about country conditions can be based on understanding the rise of “shadow governments” in local communities, regions, and countries.

“Maya Law” is recognized in Guatemala as a legal structure (Hessbruegge 2014), and as such is used in Maya communities there to settle disputes and safeguard the lives of citizens. “Alejandro” was an elected leader in a predominantly Maya speaking Guatemalan town, a town where Maya Law was in effect. A dispute by an outsider who took over lands of one of the town’s citizens led Alejandro to call the perpetrator to a meeting with elders. The outsider was found guilty and was told to return the lands to their rightful owner and to publicly apologize for the land invasion. The outsider, however, was not Maya but Ladino. He refused to apologize and abide by the decision, and instead formed a gang and attacked Alejandro, severely beating him. After Alejandro was released from the hospital, the outsider threatened him with murder. Alejandro fled and eventually came to the United States. The expert report that I wrote included a discussion of Maya jurisprudence, the relationship with Guatemalan national law, and conflict resolution in Maya communities. Alejandro was granted asylum because of his political opinion that Maya Law in Guatemala was a fundamental institution in his village.

Conclusions

Serving as an expert witness in civil, criminal, asylum, and other proceedings is an activity that gives a glimpse into the world of institutional culture shock, structural violence, and the interplay of personal and cultural knowledge and behavior. While immigration is often described in terms of pull and push factors, adaption to new communities, and transnational worlds, immigration has a darker side of violence and judicial proceedings that become part of the everyday world of new immigrants. The cases are sometimes tragic: immigrants commit crimes, some of them capital offenses, and as one Public Defender mentioned, “not all immigrants are saints.” But even in those cases, equal protection under the law can mean the difference between a life sentence and something less. Sometimes asylum and criminal proceedings become intertwined. Someone who has
achieved political asylum and later applies for and is granted a “green card” or permanent residency, can be deported back to their country of origin if they commit a crime, even a relatively minor one. Their protection under asylum is lost when they become permanent residents.

Mayan and other immigrants from Mexico and Central America are not prone to violence or other activities any more than other people. But at the same time, they are more vulnerable to the court system because of their experiences in their home countries, their status as both documented and undocumented immigrants to the United States, and their poverty (Burns, 1993).

What reasons are there for bearing witness as an expert in cases involving Mexican and Central American people? Researching, writing, and testifying as an expert is one way to lessen the tragedies of violence and dislocation among immigrants. Collaborating with organizations such as “Human Rights First” or the “Hastings Center” puts an expert witness in contact with a network of human rights defenders who are doing extraordinary work.

The work of expert testimony is challenging. Researching and writing affidavits that are compelling but not simple advocacy diatribes is a creative task that is rewarding, even when the conditions that are being discussed are tragic. I began adding photos from news media from Mexico and Central America in my reports to show what communities looked like, and the conditions of urban neighborhoods controlled by gangs. I include maps showing the size of countries in relationship to places in the United States to give a perspective on whether someone can be sent back and seek refuge in another part of a country. Honduras, for example, is approximately the size of Ohio, and so internal displacement when someone is being pursued is very difficult. I telephone colleagues and human rights lawyers in the countries where I work to determine conditions in prisons, the treatment of LGBTQ people, and experiences with police. Early affidavits that I wrote were five or six pages long; now they range from 25-30 pages. If the reports are accepted, they are entered into permanent record and can be used in other cases. The work of preparing a report and then testifying uses skills in social science and combines those skills with strategies for courtroom success.

To work as an expert witness is to be part of efforts to save lives. In one case, a family of 14 people were granted asylum. All of whom were at a high risk of being murdered if they were returned to their home country. The human rights lawyer I worked with said that I had saved lives after completing my testimony. I thought about a phrase made famous as the last line in the film Shindler’s List - “Whoever saves one life saves the world” (YouTube 2013).
References


Immigration Policy - Reporting from the Field

Aileen Josephs, Esq.
Honorary Consul of Guatemala in Palm Beach County, Florida, 2007-2017

Abstract: Migration is central to human history, yet how we deal with the sojourners among us says much about the soul of a nation. Freedom of movement is an inherent basic human right, yet the protection of a nation’s borders and the decision of who and when and in what conditions people are admitted is also a right that belongs to nation states. It is in this tension that good immigration policy should be found, yet our Congress and many administrations have failed to enact such a policy for over two decades. Aileen Joseph writes with authority and insight based on her 25 years of experience working as an immigration attorney in West Palm Beach, Florida. In her critical analysis of the current immigration policy in America, she shares the stories of those she has represented and suggests ways to revamp the immigration policies hindering our country from advancing and becoming united.

Keywords: Immigration, Immigration Policy, Maya, Northern Triangle

Introduction

It is with the hope to find compromise and good policy that I am writing this policy paper for “Maya America Journal of Essays, Commentary and Analysis”. I have been an immigration attorney in Palm Beach County for over 25 years helping mostly nationals of Guatemala, the majority being Maya, and many others from El Salvador and Honduras. Most of them have had no option but to cross borders. For years the border was wide open- and as a nation we have enjoyed the benefits of their hard work. Yet we have made it virtually impossible for millions to correct their legal status, despite the fact that so many have lived in our nation for more than ten years, worked hard and raised families. Currently, we have millions of mixed status families among us, living in great fear and vulnerability for many years. I have been practicing immigration law during a period when some of the most draconian immigration laws in our nation’s history have been in effect. I will try to distill 25 years in the battlefield to give context to the issue. 

1 www.aileenjosephslawoffice.com.
The State of Our Immigration System

Migration is central to our human history, yet how we deal with the sojourners among us says much about the soul of a nation. Freedom of movement is an inherent basic human right, yet the protection of a nation’s borders and the decision of who and when and in what conditions people are admitted is also a right belonging to nation states. It is in this tension that good immigration policy should be found, yet our Congress and many administrations have failed to enact such a policy for over two decades.

Our present immigration system was last revamped in 1996. The rule of law cannot be ignored, and we must strive to push policies that promote legal migration, yet our current immigration system, does not do that. There is no line to get behind for our many needed workers. Yet when there are no legal ways, the free market will dictate the flow of labor. Because of stringent bars enacted by Congress in 1996 and signed into law by President Clinton, policies perpetuate the illegality of millions.

It is estimated that there are 10.7 million undocumented people in the country. About 2 million entered as children. Fifty percent entered via the border or without inspection, the other half with a visa and are visa overstays. Since the passage of the 1996 law, those that entered without inspection are the hardest to help correct their legal status after the passage of the 1996 law. Immigration policy has been used by both parties as meat for their respective bases and politics. In response, as well as I could, I organized rallies, formed coalitions and filed complaints in order to break the silence of the injustices that have been taking place in plain sight for years, always with the hope that congress will act.

In 2008, President Obama promised that within his first year he would give our nation immigration reform. In 2009, with a democratic controlled Congress, President Obama rather than keeping that promise and using his mandate he went on to expand a pilot program created by President Bush in 2008 called “secured communities” which allowed law enforcement to inquire about the legal status of a person they stop and to assist federal immigration enforcement. President Obama’s administration expanded this

4 https://en.wikipedia.org/wiki/Undocumented_youth_in_the_United_States#Demographics.
5 file:///C:/Users/Aileen/Downloads/BorderMetrics-FINAL.pdf.
program—without pairing such massive interior enforcement with a legalization component. During the first four years of the Obama administration 2.4 million people were deported and at least 400,000 United States citizen children lost a parent to deportation.8 In 2012, the Obama administration spent $18 billion for interior enforcement.9

A vast majority of the millions deported during the Obama administration were largely nationals of Mexico, Guatemala, El Salvador and Honduras. The majority of the deportees during this time from the Northern Triangle did not have criminal convictions prior to deportation, but merely had been convicted of immigration offenses or traffic offenses, such as “driving without a license”.10 We deported landscapers, dishwashers, agricultural workers, all sub rosa; separating families and creating the social chaos that has hurt rather than help development in the region. Migrants can and should be seen as a force for development. They are the ones whose money goes directly to the villages they come from. That is the money that lifts a household and then a village out of poverty.11 Yet, we spent billions deporting the lifeline of those three nascent democracies.

The private correctional industry lobby has given money both to Democrats and Republicans, since criminalizing the undocumented is good business. The “attrition through enforcement” has been a policy they have driven.12 Palm Beach County, like other counties with a growing immigrant community was ground zero during those difficult years.13 I filed three complaints with the Office of Civil Rights and Liberties of the Department of Homeland Security as a result of the racial profiling that is part of the enforcement only approach.

I have witnessed the xenophobia that has enveloped the immigration debate for years and I have taken citizen actions. I filed an FCC complaint against a local radio personality that stated on the airwaves, “illegal aliens should be hung in public squares

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8 https://www.huffpost.com/entry/parents-deportation_n_5531552.
10 https://www.migrationpolicy.org/research/migrants-deported-united-states-and-mexico-northern-triangle-statistical-and-socioeconomic- See page 2 “Among those with criminal record, 63% (25 percent of all deportees) had been convicted of immigration offenses, traffic crimes, or other nonviolent crimes, versus 29 percent (11 percent of all deportees) convicted of violent offenses and 9 percent (3 percent of deportees) of drug offenses. And https://www.dhs.gov/sites/default/files/publications/Enforcement_Actions_2009.pdf.
11 http://www.consulhonorariaguatemala.com/pdf/JulyWorkshopReportEnglish.pdf as Honorary Consul of Guatemala in Palm Beach County from 2007-2017, I promoted, pro bono, workshops both in South Florida and Quetzaltenango, Guatemala with the Center for International Migration and Integration, CIMI- an Israeli NGO transnational projects for development with the Guatemalan diaspora. Such work was not easy during a time when the Guatemalan diaspora in the United States, was suffering the massive deportations of those years.
as invaders.” It is important to note that many immigrants in our county, already are the victims of serious crimes against them, since many prey on their vulnerability.

As an immigration attorney reporting from the field, I know too well that human smugglers are, since 2004, working closely with transnational criminal organizations. Back when I began helping many of the Guatemalan Mayas here in Palm Beach County in 1993, people would cross borders without a smuggler or pay $700. The dangers were the desert itself, the animals encountered or dehydration. Since 2004 I have witnessed a change. Human smuggling is a billion-dollar business and transnational criminal organizations have cashed in. A woman or child from Guatemala has to pay up to $10,000 each to cross via Mexico. If they try to cross without a smuggler they could be killed in Mexico. Mass graves of Central American immigrants have been found. But there are complexities. The border surge of 2014 was largely fueled by smugglers in Guatemala, who know that arriving with a child might be the ticket to be released into the United States. Many adults have arrived with children that are not theirs, yet claim they are a family unit.

I have helped and continue to help, pro bono, the victims of extortions, rapes, attempted murders of those who cross borders. I helped a mother, who received a call from a smuggler in Arizona, saying that if she did not send another $5,000, they would kill her kid and sell his organs. In 2009 I worked pro bono with a family from West Palm Beach, where the father was deported for an immigration violation and then attempted to come back with a smuggler. His wife got a call from the smugglers asking for an additional $5,000 to be wired or he would be killed. She never heard from him again. Three years later the Guatemalan consulate in Texas identified him because of his teeth in a skull they found in a ranch. His children, all United States citizens, went to Guatemala to bury

17 https://www.migrationpolicy.org/research/RMSG-CentAm-transnational-crime at page 6. “Human smuggling is a 6 billion per year business in the Americas alone.”
19 http://news.trust.org/item/20140718155508-guefy/.

Maya America
the remains. 22 I have the numbers and names of all types of victims of the border crisis fueled by criminal organizations in these desperate villages here in our County. We also have meth arriving at records never seen before between ports of entry 23 and have child trafficking rings that bring an average of 10,000 children a year. 24

**The Border**

As someone that has spent many years speaking to republicans to try to find compromise on immigration policy, I know that until the border is secure, republicans will not move on legalizing all those already here. 25 As a bridge builder and in order to find compromise and good policy I believe that democrats should give the current administration what Department of Homeland Security (DHS) has requested for border security, since that will deter the drugs that arrive between ports of entry, the child sexual trafficking rings and the human smuggling of desperate people. 26

Mass flash migrations of asylum seekers is a humanitarian crisis that can devolve rapidly into a national security crisis. Approximately 144,000 family units arrived this last May 2018 breaking down our system. 27 Presidents Bush and Clinton encountered similar difficulties when Haitians came in large numbers in the early 1990s. Both presidents dealt with that mass flash migration of asylum seekers by processing them in Guantanamo Bay Cuba, for their “credible fear interviews” and then paroling into the United States so that


23 [https://www.cbp.gov/newsroom/media-releases/all](https://www.cbp.gov/newsroom/media-releases/all).


27 [https://www.dhs.gov/sites/default/files/publications/19_0416_hvac-emergency-interim-report.pdf](https://www.dhs.gov/sites/default/files/publications/19_0416_hvac-emergency-interim-report.pdf) This April 16, 2019 final report by the Homeland Security Advisory Council states “There is a real crisis at our border. An unprecedented surge in family unit (FMU) migration from Central America is overwhelming our border agencies and our immigration system. The crisis is endangering children. In too many cases, children are being used as pawns by adult migrants and criminal smuggling organizations solely to gain entry into the United States. The surge of family units will continue to soar, endangering more and more children making the treacherous 2,000 mile trek to our border...the changes proposed by this bi partisan panel, if all of our recommendations are implemented, could dramatically reduce the migration of family units from Central America, helping to eliminate dangerous and illegal border crossing, as well as improve the care of children who are caught on this harrowing journey with an adult. Implementing these recommendations is essential for the safety and welfare of the children living in Central America and elsewhere who will continue to make this dangerous trek and risky border crossing until the United States Government implements the emergency actions we propose. Report at 1-2.
they could apply for asylum. The others, were repatriated back to Haiti.\textsuperscript{28} 

The mass deportations of nationals from Guatemala, El Salvador and Honduras from 2009 to 2012 and the abandonment of the Northern Triangle by the previous administration during the same time period created the conditions for the 2014 border surge of women, children and unaccompanied minors showing up at the border asking for asylum. In 2014, the Obama administration handled that crisis with the creation of family detention centers, fast tracking the asylum hearings and a request for 4 billion dollars to attend to the crisis. Vice President Biden went to the region in 2014 and urged the Presidents of those three nations to curtail the migration of their nationals with funding from the US to promote security, governance and prosperity and also provided funding to repatriate and reintegrate those removed.\textsuperscript{29} 

The Obama administration created a small refugee program to promote the legal migration of certain children from El Salvador, Honduras and Guatemala- the Central America Minors program-CAM)\textsuperscript{30} yet that program has been terminated by the Trump Administration before it even made any traction.\textsuperscript{31} 

The answers as to how to deal with the mass flash migration of asylum seekers from these three countries, most of them children and women to request asylum, is a complex and a very nuanced policy issue.

The answer as to how to handle the border crisis relies in a holistic approach. Border security is not the solution, it is only a part of the solution. The caravans that began the summer of 2018 was clear indication that a “wall” will not deter a mass migration of asylum seekers with children, since the Flores agreement provided an open door for an adult arriving at the border with a child requesting asylum, to be released into the homeland.\textsuperscript{32} From April to June 2018 the Trump Administration issued the “zero tolerance policy” charging adults criminally for crossing the border and separating the children, arguing that litigation based on the Flores agreement in 2015 gave them no alternative, since per court ruling, both “accompanied “ and unaccompanied” children could not be


\textsuperscript{30} https://www.uscis.gov/CAM.

\textsuperscript{31} The CAM program allowed children under 21 years of age of El Salvadorian, Honduran and Guatemalan nationals that were either Legal Permanent Residents or had Temporary Protected Status to be allowed to bring their children as refugees. President Trump terminated Temporary Protected Status for Nationals of Honduras and El Salvador and thereafter also terminated the Central American Minors program.

\textsuperscript{32} https://en.wikipedia.org/wiki/Reno_v._Flores.
held more than 20 days in detention. This policy that lasted a month as a result of the bi-partisan outrage - will be a stain in our nation's history.

Human despair cannot be criminalized. Separating parents from their children for crossing the border to provide a better life for themselves and traumatizing children now under the care and responsibility of the US Government was an egregious policy decision. The optics of the children separated from their parents who crossed the border in search for a better life will haunt our nation forever; yet the suffering of the 400,000 United States citizen-children, separated from a parent during President Obama’s deportations based on interior enforcement, all sub rosa, should not be swept under the rug. The suffering of children by our enforcement-only approach to our broken immigration system, must give congress the urgency to act.

From 2014, about 14 percent of those who applied for asylum from El Salvador, Guatemala and Honduras were granted that relief and only forty percent of those released into the United States during the 2014 border surge applied for asylum when released. Our asylum system is indeed being abused as a way to be released into the homeland with meritless asylum cases- yet we must protect it for those that are indeed fleeing individualized persecution. The perpetual interplay between the right of a nation state to protect its borders and the basic right to life is at issue.

The 1997 Flores agreement which limited to 20 days the limit for holding children, had been the result of years of litigation by well-intentioned immigrant rights attorneys to protect the rights of arriving unaccompanied minors. Unfortunately, unintended


36 See footnote 21, https://www.sun-sentinel.com/news/fl-xpm-2008-11-06-0811050561-story.html - I walked with this family, pro bono in 2011 when the father was deported in a most violent fashion in West Palm Beach, Florida. The media was not interested back then. It is only after President Trump was elected that a local reporter wrote about this deportation. In 2011, 5 United States citizen children, their legal permanent resident mom, were woken up at 5 am. by agents acting under the color of law, that broke down the door, and beat the 17-year-old son, who simply asked “do you have a warrant?”. Agents acting under color of law came to look for the father because of an immigration violation. He had been deported and reentered. When the agents, after beating him up, realized the seventeen-year-old was a United States citizen, they took him to St. Mary’s Hospital. The father was deported again and was killed by smugglers who extorted his wife asking for more money. The family remains available to speak to anyone interested in documenting how the interior deportations took place under the last administration.


consequences occurred with the irregular migration en masse of asylum seekers with children. Nationals of other countries are now following the irregular migration routes of those from the northern triangle. Given the lack of congressional action to attend the unforeseen consequences of the Flores agreement, the Trump administration recently issued the Flores rule, which allows for accompanied children to be held more than 20 days in detention while the asylum request of the family unit is being processed.

Congress should find compromise with the following:

1.) Provide the necessary amount of money needed for border security as requested by DHS. Bring those already here since 2014, out of the shadows in a legalization that does not not provide for a direct path to citizenship.

2.) Congress should then legislate for “Dreamers”. They should have a direct path to citizenship, yet they should not be allowed to petition for their parents, since this would create a direct path to citizenship to people that either crossed the border or overstayed their visas, and republicans rightly feel this would reward those that circumvented existing laws.

3.) The parents of “dreamers” and the rest of the undocumented population already here, prior to 2014, working without authorization in our country, should get legalization without a direct path to citizenship. That is, they can get a work permit to travel and work legally in the country but a special law should not be carved out for them to reward for crossing the border or overstaying their visas. If they have a way to obtain their legal permanent

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43 https://www.whitehouse.gov/briefings-statements/press-briefing-cbp-acting-commissioner-mark-morgan/- at page 13-14 the CBP Acting Commissioner Mark Morgan states that it will take 40-60 days approximately, to process a family asylum case in detention, dispelling concerns of "indefinite detention."

44 Dreamers refers to people brought to the United States by their parent(s) who either crossed the border or overstayed their visas, and for purposes of this policy paper it covers all those that could have applied under the Deferred Action for Childhood arrivals promulgated by President Obama in June 2012 via executive action. https://en.wikipedia.org/wiki/Deferred_Action_for_Childhood_Arrivals.

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residency via existing laws, they can, but in the interim they will be here legally, with a type of non-immigrant status. It will help our national security to bring the undocumented population in the United States (prior to 2014) out of the shadows, all undergo background and criminal checks to obtain that status.

4.) Congress and/or the Executive by regulation, should allow for nationals of Guatemala, El Salvador and Honduras, already working and living in our nation in certain industries (i.e. agriculture, construction, service industry) to obtain a work card that will allow them to work in the United States and travel, renewable every two years. It could be a type of “deferred action” that will not lead to legal permanent residency and or citizenship. It will help our national security to bring this population out of the shadows and boost the economy of these three nations.  

5.) In order to prevent future undocumented, congress should create a market based, guest worker program to bring in needed workers particularly from the Northern triangle region, which would in turn help those nascent economies. The Trump administration recently signed a Memorandum of Agreement with Guatemala to improve the temporary H-2A worker program and allow for more Guatemalan nationals to enter the country temporarily, to work in the agriculture. A similar accord has been signed with El Salvador.

This is a good step forward. Congress should act and allow for the portability of employers and expand these programs for nationals of these three countries in other industries, other than agriculture. Once we attend to the status of the undocumented population already in the United States, congress should also mandate an employment verification system. The onus would then be on employers not to hire people without documents.

6.) Congress should enact legislation that will allow a number of unaccompanied minors each year who demonstrate that they have been abandoned, abused and or neglected by their natural parents in El Salvador, Honduras and Guatemala. In-county processing would take place in the respective US Embassies allowing them to enter the USA under humanitarian parole. This will deter them from risking their lives by crossing borders alone or in the hands of smugglers.

This program can be created by congress to provide this protection for 5-10 years and help change the migration of teenagers, from irregular to a legal. Once here, these unaccompanied minors can renew their humanitarian parole status every two years allowing them to live and work in the United States. At the moment, the Flores Agreement and our current policies, simply foment this irregular migration of at-risk children with transnational criminal organizations and once they arrive, they simply become the “undocumented” of tomorrow. Many are abused by the “legal guardians” that take them into their homes and forced to work in slave like conditions.\(^50\)

7.) The Executive branch, which allocates refugee numbers annually, should create a parole program for the Northern Triangle so that children of nationals of these three countries in the United States covered under a legalization program can bring their children under the age of twenty one. They would enter under humanitarian parole to be reunited with their parents already here and not have to endanger children’s lives.

We must work regionally with other nations to absorb people from the Northern Triangle and other countries showing up at the US border requesting asylum. During the 2018 border surge, Mexico offered asylum and work permits to those attempting to reach the United States in a caravan. Regretfully, open border activists, many who also promoted those caravans, did all they could to deter people from seeking protection in Mexico.\(^51\)


Father Solalinde, a renowned immigrant rights activist in Mexico, in 2018 strongly criticized the organizers of the caravans, particularly “Pueblos Sin Fronteras, People without borders” 52 for refusing to accept the asylum offered in Mexico and for pushing the migrants to go straight to the US Mexican border for what he called a “mediatic confrontation with the United States”. 53 One hundred people, 67 of them children who were part of the latest caravan promoted by these open border groups, were last seen getting on some fruit trucks near Veracruz Mexico. They have not been seen again. 54

Congress has remained unable to find compromise on the border crisis, let alone immigration reform. At the height of the crisis, Democrats for months kept denying there was a crisis at all, 55 forcing the executive to take action unilaterally by issuing asylum regulations that have changed our asylum system dramatically. Per the asylum regulations issued by the Trump Administration, all those that attempt to cross the border to apply for asylum after the date of enactment - must first show that they have applied and been denied asylum in a safe third country. 56

Per the recommendations of the Homeland Security Advisory Council Final Report, which recommended in country processing of asylum claims in the Northern Triangle, the Trump administration is working toward creating Refugee Processing Centers in Guatemala to process asylum claims of Salvadorian and Honduran nationals there. It entered into a similar agreement with El Salvador 57 and working on the same with other nations in Central America. 58

The administration has by regulation changed the practice of “catch and release” and now those nationals that arrive at the border with children will have their claim adjudicated in family detentions and returned back if denied. 59 Congress continues to

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58 See footnote #25 at page 2.
fail to act and actions taken this administration are being challenged in court. While congress acts to address our antiquated immigration system and create legal mechanisms (other than asylum) that reflect current labor flows; we as citizens can take action.

Given the dark underbelly of the forces that are fueling this mass migration of asylum seekers, and knowing that few have winnable asylum claims, I have focused much work, pro bono, in helping attend the root causes of the irregular migration of marginalized children. For years, as Honorary Consul of Guatemala in Palm Beach County I also organized workshops both in South Florida and in Quetzaltenango Guatemala promoting transnational projects for development with the Guatemalan diaspora, geared at attending the root causes. That is, promoting the right not to have to migrate.

Currently, I am raising awareness and the need for funding to create the first “shelter school” in Guatemala City called Casa Shalom - that will provide for the accelerated education and gainful employment of returned migrant youth in Guatemala. Casa Shalom will be the Guatemala City campus of Ak Tenamit, which in the Maya language of Q’eqchi’ means “new village” a school in the rainforest in Rio Dulce, created 30 years ago by Steve Dudenhofer, a Jupiter, Florida native. We want to replicate this model in other areas of great need and this model can be expanded as well to Honduras and El Salvador. The diaspora communities can also help play a role in the expansion of these schools, that promote vocational training and entrepreneurship.

The Governor of Florida could play a role in promoting trade and tourism with these three Central American nations. We need a holistic, coherent public/private approach toward the northern triangle so that men, women and children do not have to feel the need to leave their villages and cross borders at all costs.

I hope the impasse in this critical policy issue is broken. Time for bridge building.

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Maya-Americanos en Casa: Los Efectos de la Migración de Guatemala a los EEUU en la Región Kaqchikel

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Abstract: Este artículo trata sobre qué significa ser maya durante y después de la migración a los EEUU desde el área Kaqchikel de Guatemala. Utilizando entrevistas con emigrantes que han retornado, historias de vida y el testimonio de una profesora Kaqchikel, señalamos cómo la vida norteamericana se integra en comunidades mayas Kaqchikeles por medio de procesos transnacionales. Sugerimos que los resultados de una vida maya americana se integran en las comunidades de origen en formas que no son tan obvias pero que sí tienen impacto en la vida maya en los pueblos de origen. Consideramos las relaciones de género dentro de hogares en los que alguien ha migrado a los EEUU. Consideramos también el consumo diario, la dieta y la preparación de comida en familias con migrantes. El idioma y la integración de ciertas palabras de inglés al habla de los hablantes del Kaqchikel es un tema importante. La ropa es otra forma en la cual la vida norteamericana afecta la vida maya. Se nota que ser maya americano no siempre es bienvenido en las comunidades de origen. Se plantea que la gama de remesas sociales y monetarias es un resultado y característica de la migración bajo el régimen económico neoliberal, lo cual impulsa a la gente maya a luchar por sus familias por medio de la migración.

Keywords: Kaqchikel, Maya, Guatemala, migration, Maya American, remittances

Introducción

“Ya cuando regresan, hacen como que ya no son nuestra gente (indígenas/maya)”
– Carmen, Comalapa (comunicación personal, 4 de septiembre de 2011)
La migración de la gente maya de Guatemala, Belice y México a los EEUU se ha estudiado con gran entusiasmo y se han iluminado varios temas importantes, incluyendo las conexiones transnacionales tanto políticas como culturales: las remesas sociales y monetarias y varias formas de crear una vida maya en los EEUU (Burns, 1993; Burrell, 2005; Foxen, 2007; Hagan, 1994; LeBaron, 2012; Loucky, 2000; Popkin, 2003; Wellmier, 1998). Pero el estudio de los efectos de la migración maya a los EEUU en los pueblos de origen no se ha desarrollado con igual amplitud en la región Kaqchikel de Guatemala. Como indica Carmen arriba, los efectos de la migración en los pueblos de origen son fuertes e importantes, tanto cuando los migrantes están en los EEUU como cuando regresan a sus pueblos (Cohen y Sirkeci, 2011; Stephen 2007). Este artículo examina las repercusiones de la migración a los Estados Unidos en los pueblos de origen maya Kaqchikel en Guatemala desde la perspectiva de una antropóloga norteamericana y una migrante que es profesora Kaqchikel de Santa María de Jesús. Se enfoca en los efectos de las remesas tanto monetarias como sociales. Con los datos de la antropóloga, encontramos que en la actualidad la migración a los EEUU y el retorno al pueblo de origen tienen consecuencias importantes en tanto que cambian la vida de los mayas migrantes y de sus familiares y la comunidad de origen en Guatemala. La profesora Kaqchikel concluye el artículo con su propio testimonio: de una migrante maya privilegiada que tiene la fortuna de viajar con visa entre Guatemala y los EEUU para dar clases de Kaqchikel. Su testimonio enfatiza la importancia de la migración para los pueblos mayas.

Es importante señalar que el área Kaqchikel es una región maya sobre la cual no hay tantas investigaciones en el tema de la migración internacional aunque que hay miles de migrantes de esta región viviendo en Estados Unidos (Farley Webb, 2015). A pesar de que el Kaqchikel es uno de los cuatro idiomas mayas con más hablantes en Guatemala, donde hay veintidós idiomas mayas en total, el Kaqchikel se encuentra en peligro de extinción. Cada día nos encontramos con la triste realidad de que hay menos personas que hablan dicha lengua (England, 2003; Knowlton, 2016; Romero, 2017). Además de la lengua, hay otras formas de indicar la etnicidad maya en la región que también se encuentran en peligro de desaparición o, por lo menos, transformación, como el uso del traje indígena y la espiritualidad maya (Bennett, 2014; Fischer y Hendrickson, 2002). En este mismo contexto vemos un impacto de la migración a los EEUU en la etnicidad tanto en el lugar de origen como en el de destino, lo cual se ha convertido en un tema importante de discusión en los pueblos de origen. En las comunidades de origen en Guatemala, cuentan que en los EEUU normalmente ni se hablan los idiomas mayas, ni se usa la ropa maya, ni se practica la espiritualidad maya. Esto es especialmente evidente en pueblos como Comalapa, de donde es Carmen, donde la mayoría de la gente habla el Kaqchikel, donde se perdieron
muchas vidas debido a la violencia por expresar su etnicidad y donde se ubican varios activistas mayas que luchan para conseguir protecciones para la vida y los idiomas mayas a nivel nacional.

Otra preocupación en las comunidades de origen tiene que ver con cómo se comportan los migrantes mayas cuando regresan a sus pueblos. Implícito en la declaración de Carmen hay una reflexión sobre qué significa ser maya. Cuando Carmen afirma que los migrantes “ya no son nuestra gente,” se refiere a un sentir acerca de las personas de origen maya que han dejado a un lado algún aspecto fundamental de la identidad maya: la lengua, el vestido, la espiritualidad o la forma de ser.

En este trabajo planteamos que para los que están en Guatemala, hay diferentes maneras de entender lo que significa ser “maya americano”—o sea, alguien que es maya pero que se ha norteamericanizado en alguna forma. Tomamos en cuenta tanto a los migrantes como a los que no migran. Para algunos, estar en los EEUU implica dejar atrás ciertos aspectos de su identidad maya, especialmente la ropa, el idioma, la comida y la espiritualidad, a lo cual se refiere Carmen. Para otros, la experiencia de estar en los EEUU los empuja a demostrar más aspectos de la identidad maya, resultado que detallamos en este trabajo. Entre estas dos posibilidades, se encuentran muchas personas que expresan ciertas partes de una identidad maya pero otras no, y esto varía mucho. Estas formas de ser maya, aparentemente tan contradictorias, son parte de la experiencia de los migrantes en la época del neoliberalismo (Hale, 2006; Naples, 2002; Stoll, 2013).

En la mayoría de los pueblos Kaqchikeles, no se puede conseguir un trabajo bien remunerado o digno. Debido al desarrollo de la economía capitalista, que se aprovecha del trabajo de la gente indígena en Guatemala, no se puede brindar un techo digno para sus familias, una educación inicial en las escuelas primarias y secundarias o una mejor nutrición para sus hijos. Muchos deciden arriesgar sus vidas en el gran camino a los EEUU, aunque se sabe que es bastante peligroso, solo para poder tener una oportunidad de proveer para la familia. En este contexto de desesperación, no sólo arriesgan la vida al emprender el viaje a EEUU, sino que además se les vigila en sus lugares de origen, y la comunidad está siempre atenta a lo que hacen, mandan o traen los migrantes a sus familias y a sus pueblos de origen tanto económicamente como socialmente. Por esta razón nos preguntamos: ¿cuál es el impacto de la migración sobre el sentido de identidad de los migrantes cuando llegan a EEUU? ¿Cuáles son las percepciones sociales acerca de los migrantes en sus comunidades de origen? ¿Cómo impacta la migración a los lugares de origen?
Historia de migraciones del área Kaqchikel a los EEUU y sus efectos

Las migraciones de áreas mayas a los EEUU tienen una historia larga. Como indican Jonas y Rodríguez (2014), la migración de Guatemala a los EEUU empezó a crecer durante las décadas de 1970 y 1980, cuando las políticas neoliberales empezaron en los EEUU, lo que afectó la necesidad de los trabajadores, y cuando surgió la política relacionada con el comunismo en Guatemala, por la cual el gobierno guatemalteco empezó a amenazar a muchas poblaciones mayas porque sospechaban que estaban colaborando con los insurgentes (2014, 1-36). En la peor época de la violencia de Guatemala, al principio de los años ochenta, pueblos indígenas casi enteros huyeron a otras regiones de Guatemala, a México, a los EEUU y a Canadá.

A base de las comunidades mayas que migraron a los EEUU en los años ochenta, se establecieron algunas comunidades mayas en los EEUU. Tal vez la presencia más reconocida es la de la Florida (Burns, 1993; Wellmeier, 1998). También se establecieron comunidades en Carolina del Norte de hablantes del Awakateko (Fink, 2005), una comunidad de hablantes del K’iche’ en Houston (Hagan, 1994), otra comunidad K’iche’ en Providence (Foxen, 2007; Foxen y Rodman, 2012) y otras en Los Ángeles (Loucky, 2000). En esa época, los migrantes eran elegibles para ciertas protecciones legales, aunque no todos pudieron aprovecharlas (Hagan, 1994; Jonas y Rodríguez, 2014).

Después de la peor época de violencia, las características de la migración maya a los EEUU cambiaron drásticamente. En vez de estar motivados por la violencia por parte del gobierno, las motivaciones fueron razones económicas basadas en políticas neoliberales con origen en los EEUU (Jonas y Rodríguez, 2014). La economía guatemalteca cambió brindando menos oportunidades para mantenerse uno en su pueblo, y la economía de EEUU se transformó a una basada en servicios, la cual requiere una mano de obra dispuesta a trabajar por poco dinero. Después de la violencia y los acuerdos de paz de 1996, la migración maya a los EEUU pasó a ser más individual y menos de comunidades enteras, con personas que llegaban a varios lugares de los EEUU sin establecer nuevas comunidades enteras como se vio en los años ochenta.

En cuanto a la migración de los Kaqchikeles, no han recibido tanta atención en la literatura académica porque la migración empezó en esta época más individualista, lo cual es difícil investigar. Sin embargo, varios Kaqchikeles migran a los EEUU como gente de cualquier otra región maya en Guatemala. No hay buenas estadísticas de cuántos se han ido desde los acuerdos de paz porque no hay un mecanismo para registrar esta información, especialmente viendo que muchos se van sin papeles. Sin embargo, Bennett ha encontrado varias personas en la región Kaqchikel que han migrado a los EEUU o que

Las migraciones desde Guatemala a los EEUU afectan a los pueblos de origen en varias formas, incluyendo las remesas monetarias y las remesas sociales (Burrell, 2013; Foxen, 2007; Levitt, 2001; Jonas y Rodríguez, 2014, p. 11; Stoll, 2013). En cuanto a los pueblos mayas que reciben o han recibido remesas, es evidente que la línea entre las remesas monetarias y las remesas sociales no es ni muy clara ni fija. Así que las remesas monetarias afectan a las normas sociales no solo mientras los migrantes se encuentran en los EEUU sino también cuando regresan a sus pueblos de origen. Por ejemplo, Burrell ha notado que las remesas y la migración han cambiado las fiestas patronales en Todo Santos en cuanto a su forma, tamaño y paisaje social (2013, p. 86-114). Stoll explica cómo las remesas cambiaron la economía en Nebaj, lo cual ha tenido un gran efecto en la confianza que se tienen las personas entre sí (2013). Es parecido lo que cuenta Foxen en cuanto a la forma en la que las remesas monetarias han impactado las relaciones entre familias, las prácticas relacionadas con el género y la crianza de los hijos, entre otras (Foxen, 2007, 96-152). A pesar de toda esta información abundante, no se ha documentado cómo impactan las remesas una región con una historia de migración a los EEUU que es un poco diferente que la de las regiones más al oeste.

**Metodología y Contexto**

Los datos del trabajo vienen de dos posiciones distintas: la de una antropóloga norteamericana y la de una profesora indígena de Guatemala. Los datos que sacó Bennett vienen de trabajos entre el 2010 y el 2015 en los pueblos de San Juan Comalapa (Comalapa), Tecpán Guatemala (Tecpán) y Santa Catarina Palopó (Santa Catarina). Bennett entrevistó a 245 personas indígenas entre los tres pueblos para entender mejor el impacto de la migración en los pueblos de origen. Habló con emigrantes que habían regresado, con las familias de migrantes y con personas que no tenían migrantes en la familia para tener una base de comparación. Condujo todas las entrevistas en Kaqchikel maya, idioma que
domina. También recopiló unas 12 historias de vida con varios emigrantes que habían retornado. Eligió estos pueblos porque variaban bastante entre ellos; por eso, compararlos da una mejor vista de lo que sucede en la región. Las citas en este trabajo se presentan en el Kaqchikel original con la traducción al español, la cual ha hecho Bennett.

La región Kaqchikel es un área diversa: incluye la Antigua Guatemala, un sitio turístico; Tecpán Guatemala, la capital de los Kaqchikeles antes de la conquista; Sololá y la mitad de los pueblos en la orilla del lago Atitlán y varios pueblos pequeños con sus aldeas. Este artículo toma ejemplos de personas que viven en los pueblos de Tecpán Guatemala, Comalapa, Santa Catarina Palopó y Santa María de Jesús. Tecpán tiene aproximadamente 55,000 mil residentes, Comalapa tiene 45,000 mil residentes y Santa Catarina tiene 5,000 residentes (INE Guatemala, 2011). Los pueblos tienen historias distintas: Tecpán es un centro comercial de la región y tiene una historia de activismo maya. Comalapa es un poco más aislado, aunque desde que se pavimentó el camino al pueblo en 1999, se ha abierto mucho más y se ha integrado a la economía nacional e internacional. Santa Catarina es el pueblo más tradicional de los tres, donde se habla Kaqchikel en todo el pueblo.

Las contribuciones de Cuma vienen más de sus experiencias vividas. Ella viene de Santa María de Jesús, que es una comunidad Kaqchikel, cercana a la Ciudad de Antigua Guatemala. También ha tenido la oportunidad de migrar a los EEUU debido a su trabajo enseñando el idioma Kaqchikel. En su pueblo de Santa María, se sabe muy poco de los hermanos Kaqchikeles que han emigrado a los Estados Unidos. Sin embargo, en los años ochenta se difundió la noticia en el pueblo del primer grupo de mujeres jóvenes migrantes, hijas de madres comerciantes en mercados de la ciudad Capital, Escuintla y Antigua Guatemala. Estas mujeres cruzaron la frontera de México, y hasta hoy se habla muy poco de su paradero a través de sus familiares, como el caso Tina Patán, que a pesar del fallecimiento de su padre en el 2015, solo dijo que ella no podía regresar y que estaba en Los Ángeles, California, y su regreso no era posible porque tenía una hijita por lo que no era posible su retorno inmediato a su pueblo natal. En los últimos diez años se puede constatar de una decena de familias de migrantes de Santa María de Jesús de las que se tiene información a través de sus familiares, entre ellos están tres jóvenes hermanos que se casaron con voluntarias estadunidenses que vinieron al pueblo y el otro caso es de María Luisa Valle, que hace cinco años que su hija de diez y ocho años emigró a los Estados Unidos, pero hasta la fecha no se tiene información de su paradero.
Chismes de Maya Americanos en Guatemala

A pesar de que la migración del área Kaqchikel a los EEUU no tiene una historia tan larga como la de otras regiones mayas, las personas en la región hablan mucho de la migración. Con eso vienen varios conceptos e ideas generalizadas, estereotipos sobre lo qué significa ser una persona maya que ha migrado a los EEUU. Empezamos nuestra discusión con estos estereotipos que constituyen los chismes porque cuando regresan los migrantes mayas a sus pueblos, estos estereotipos informan la recepción que reciben. Los chismes son de gran importancia para entender los estándares comunitarios y la conversación en la que uno participa (Bauman y Briggs, 1990; Brenneis, 1984; Paz, 2009).

Tal vez el estereotipo más común que se escucha de los mayas que han ido a los EEUU es que cuando regresan, “nikina’ chi nim kitz’am,” o sea, se sienten personas grandes. En otras palabras, quiere decir que la persona ya siente que es “mejor” que la cultura maya y que ha superado mucho en la vida por lo que merece atención especial. Martina, una mujer de Comalapa, expresó ese sentimiento cuando dijo “E k’o winaq’ itzel nikib’än toq yetzolin pe. Ke re nikib’än. Y Yin ninb’ij chi e k’o jujun yalan nikijal ki’. Yewil k’iy pwaq, y k’a ri k’o k’iy kicosas” (Hay personas que hacen mal (de regreso). Así hacen. Yo digo que hay algunos que cambian mucho. Encuentran mucho dinero, y después tienen muchas cosas) (comunicación personal, 3 de septiembre de 2011). Según Martina, tener más dinero y muchas cosas cambia la forma de ser de los migrantes que han regresado porque pierden la humildad.

Es parecido la idea de que los mayas que han migrado a los EEUU ya no quieren hablar el Kaqchikel. Paula, una mujer de Comalapa, dijo que si una persona “wawe’ xalax ninojij chi man nimestaj ta ruch’ab’äl. Xaxe’ nikib’än achiel man nikaq’axaj ta. Pero sí nikaq’axaj” (aquí ha nacido no creo que se le olvide su lenguaje. Solo ellos lo hacen que ya no entienden. Pero sí entienden) (comunicación personal, 9 de noviembre de 2011). Según ella, hay migrantes que se van de Comalapa y pretenden no poder hablar el Kaqchikel después. Como muchos en el área, Paula duda que a los migrantes verdaderamente se les olvide el idioma, y sospecha de que solo pretenden haberlo olvidado. Waldo, un señor de Santa Catarina, también contó ese estereotipo: “Bueno, e k’o wawe’ jantape’ yetzijon pa ch’ab’äl. Pero e k’o re man yekajo’ ta yecha’on chik toq yetzolin pe. E k’o yeb’a yalan naj, y man yekajo’ ta yetzijon toq yetzolin pe” (Bueno, antes de salir, siempre hablan en Kaqchikel. Pero hay algunos que ya no quieren hablar cuando regresan. Algunas personas se van lejos, y ya no quieren hablar cuando regresan) (comunicación personal, 3 de mayo de 2013).
significa ser un maya que ha migrado a los EEUU.

Muchas personas piensan que los migrantes cambian su forma de vestir. El traje indígena se usa más entre las mujeres (Fischer y Hendrickson, 2002; Velázquez Nimatuj, 2011), y la ropa consiste en un guipil tejido a mano y un corte. Los trajes se identifican por pueblo. El estereotipo de los migrantes es que dejan de usar y valuar el traje. Lucia, una mujer de Santa Catarina, dijo “Xaxe’ nikikusaj taq blusas. Yeb’a naj, yeb’a xab’ akuchi’ wi’, y toq yetzolin pe, man aweteman ta chik kiwäch” (Solo usan blusas. Se van lejos, van a donde sea, y cuando regresan, ya no los conoces) (comunicación personal, 17 de julio de 2010). Lucía se refiere a una blusa hecha de tela de máquina, la cual no indica el pueblo de origen del usuario. Ella dice que eso pasa mucho con las personas, especialmente las muchachas, que se van a los EEUU. Diego, un señor de Tecpán, confirmó esta idea: “Nikiya’ kan. Nikiya’ kan ri uq” (Lo dejan. Lo dejan el corte) (comunicación personal, 23 marzo 2012). Explicó que las mujeres mayas que migran tienen que cambiar sus ropas para poder encontrar trabajo, pero en su opinión, ya no usan el corte cuando regresan.

Otro estereotipo común de qué significa ser una persona maya que ha migrado a los EEUU tiene que ver con el alcoholismo. Varias personas comentaron sobre la posibilidad de que los migrantes mayas encuentren el vicio del alcohol mientras que están en los EEUU. Como dijo Martina, la mujer de Comalapa a quien conocimos anteriormente, “E k’o ri yetzolin pe xa peor kib’anon, tal vez ruma xewil ri yab’il chi ri alcohol” (Hay los que regresan peor, tal vez porque encontraron un vicio de alcohol) (comunicación personal, 19 de octubre de 2011). Santiago, un hombre de Santa Catarina, también expresó esta idea. Dijo “rije yetzolin pe wave’ y majun ta k’o kik’in. Xaxe’ nikiloq’ kicerveza, y majun ützta nikib’án. Ri yeb’a ke la yesach. E k’iy yesach” (ellos regresan aquí y no tienen nada. Solo compran cervezas, y no hacen nada bueno. Los que se van allá (EEUU) se pierden. Hay muchos que se pierden (comunicación personal, 23 de julio de 2010). El tono de estas críticas no solo implica que hay mayas que se han ido allá a los EEUU, sino que cuando regresan, traen aspectos o hábitos negativos consigo; entonces, este estereotipo afecta mucho el ambiente al que regresan los migrantes.

**Remesas Monetarias**

Los estereotipos que presentamos son las ideas más negativas, y es importante reconocer que no todos en el área Kaqchikel tienen esas ideas sobre los migrantes mayas a los EEUU. En esta sección, analizamos el impacto de la migración a los EEUU en las vidas de varios mayas, algunos que todavía están en los EEUU y otros que ya han regresado a sus pueblos. Analizamos qué significa ser maya americano en Guatemala utilizando
el lente de las remesas, tanto las monetarias como las sociales, porque es por medio de las remesas que un migrante y su familia exponen qué significa ser maya americano en Guatemala. En esta discusión, reconocemos que hay varias formas o encarnaciones de lo que significa ser maya americano en el área, o sea, que aquí no presentamos la forma definitiva de lo que significa ser maya americano. En cambio, reconocemos la variedad de formas en las que la experiencia migratoria a los EEUU puede afectar la vida de los mayas en el área Kaqchikel.

Mandar y recibir las remesas monetarias es una gran parte de lo que significa ser maya americano en el área Kaqchikel. Muchas veces, las remesas no sacan a los recipientes de la pobreza, como ha notado Foxen en el área K’iche’ (2007, p. 129). Al contrario, los recipientes de las remesas siguen luchando para obtener las necesidades diarias. Lo mismo sucede en el área Kaqchikel: para muchos, las remesas solo alcanzan para las cosas más básicas. Por ejemplo, Leandra, una comalapeña de 40 años cuyo esposo migró a los EEUU, dijo, “K’o b’ey xaxe’ nub’án ri cosecha. Achike xtab’án? Ri pwaq xaxe’ nub’án ri abono. Majun nach’ek ta rik’in ri pwaq” (Hay veces que solo viene suficiente dinero para la cosecha. ¿Qué se puede hacer? Solo el dinero para el abono. Así no se logra nada con el dinero) (comunicación personal, 3 de diciembre de 2011). En esta familia, el señor que había migrado mandaba unos cientos de dólares cada mes, pero solo era suficiente para comprar el abono y algunos útiles y comestibles para la casa. El señor contó que la vida en los EEUU era más difícil de lo que él había esperado y que las cosas eran muy caras. Descubrió que era duro ahorrar dinero para mandar a su pueblo. Por su parte, la esposa, Leandra, contó que el dinero que podía mandar su esposo solo era suficiente para proveer a la familia con comida y pagar el abono para el maíz, el cual consumían después de la cosecha. Así que las remesas monetarias para esta familia solo les permitieron mantener una norma de vida que habían tenido sus padres pero que ya no podían sostener ellos en la época neoliberal. Eso no es anormal entre los migrantes de hoy en día (Jonas y Rodriguez, 2014; Stoll, 2013)

Por otro lado, hay familias que sí logran usar las remesas para construir casas, comprar terreno, pagar deudas, comprar productos duraderos y pagar la educación de los niños. Por ejemplo, Alejandro, un tecpaneco de 35 años, mandaba sus ganancias de Los Ángeles para su familia en Tecpán. Con el dinero, su familia logró comprar un poco de terreno y lanzar un negocio pequeño de ropa.2 Esto fue posible porque su familia casi podía mantenerse sin remesas ya que su esposa trabajaba, y ella y sus hijos vivían con sus padres y otros hermanos que también trabajaban. Así que la familia podía utilizar todas las remesas solo como dinero extra para ahorrar y no para sostener la vida diaria. Además, habiendo utilizado las remesas para establecer un negocio, empezaron a ganar más dinero.
por su inversión. Con el tiempo, estas remesas y su inversión en el negocio pequeño han empezado a crear una distancia socioeconómica entre la familia de Alejandro y sus vecinos, así que hay formas en las que las remesas crean o aumentan las distancias entre las clases sociales en el área Kaqchikel, como ha ocurrido en otras regiones mayas (Jonas y Rodríguez, 2014, p. 11). Las experiencias contradictorias de la familia de Alejandro y la de Leandra son un resultado de la economía neoliberal (Burrell, 2013; Naples y Desai, 2002; Overmyer-Velazquez, 2010).

Las remesas monetarias también afectan a las normas sociales. Por ejemplo, varios migrantes mandan dinero para apoyar a las fiestas titulares y otras fiestas más tradicionales de sus pueblos. Por ejemplo, Sergio, un muchacho de 24 años de Comalapa que está en los EEUU, manda dinero a su familia para que participe en la fiesta titular. Con ese dinero, su familia compra comidas especiales, flores, etc. en formas y en cantidades que no podían costear antes de que Sergio migrara. De esa forma, las remesas pueden ser utilizadas para aumentar y dar nuevo ímpetu a las fiestas tradicionales. Este resultado se ha comprobado en otros pueblos también (Burns, 1993; Burrell, 2005; Foxen, 2007; Foxen y Rodman, 2012).

Las remesas monetarias pueden ser utilizadas para otras fiestas también. Por ejemplo, las remesas de los dos hermanos Gómez están cambiando las normas acerca de las fiestas de gracias. Los hermanos, quienes están en Nuevo Jersey, hacen una fiesta de gracias cada año para sus vecinos y amigos en Guatemala. La fiesta de gracias es parte de las normas sociales del pueblo maya: es normal dar gracias por las bendiciones en la vida. Una forma muy reconocida de expresar las gracias es con una fiesta con comida, banda, etc. Normalmente se gasta todo lo que uno puede para dar las gracias en esta ocasión. Pero cuando fui (Bennett) a la celebración de la familia Gómez en 2012, adaptaron un poco la fiesta a la situación. Por ejemplo, gastaron más de lo normal porque pudieron hacerlo gracias a las remesas. Tuvieron una comida de tres carnes con gaseosas, pastel y café para todos cuando normalmente se hace un pastel y café o una comida más sencilla. Había sillas alquiladas, una banda y una persona que grababa todo en video para poder mandárselo a los hermanos. Se hizo el programa para hablarles directamente a los hermanos en la grabación, y la fiesta se hizo en un terreno que habían comprado con las remesas de los hermanos. De ese modo el enfoque de la fiesta fue sobre el sacrificio de los hermanos y se realizó de una forma que se prestaba a ser grabado fácilmente. De ese modo, se adaptó una norma social a la situación migratoria.

También hay otras formas en las cuales las remesas monetarias cambian la forma de vida en los pueblos de origen. Por ejemplo, varias familias usan las remesas para pagar las mensualidades de los niños en la escuela. Varios niños logran así una educación que
antes no era posible. “Rik’in ri pwaq nutaq pe ri wachijil, niqatoj rumensualidad ri wal” (con el dinero que manda mi esposo, pagamos la mensualidad de mi hijo), dijo Esperanza, una mujer de Tecpán (comunicación personal, 15 de febrero de 2012). Eso cambia el curso de la vida para muchos mayas porque abre la posibilidad de movilidad socioeconómica que para muchos no era posible antes de la migración. Por ejemplo, Luis, un comalapeño de 55 años que está en los EEUU, manda dinero para que su hijo asista a un colegio para ser perito contador. El hijo, Bernadino, va a ser el primero de la familia en graduarse del colegio, y si lo logra, será el primero en tener un trabajo de oficina. En ese sentido, la migración y las remesas monetarias permiten un cambio de clase socioeconómica entre las generaciones.

Otro impacto de las remesas que se utilizan para las mensualidades es un cambio en el estilo de vida con respecto a la alfabetización y la lectura, especialmente la lectura por placer. Por ejemplo, Ricardo, un niño en Comalapa cuyo papá migró a los EEUU, asistió a un colegio privado y pudo graduarse por las remesas que mandó su papá. Su papá no leía mucho, pero como Ricardo estudió, aprendió a leer el periódico con frecuencia, y este es un hábito que no ha dejado. Todavía sigue leyendo el periódico y otras cosas que puede encontrar para divertirse. Eso es un gran cambio entre las generaciones que fue iniciado por las remesas monetarias.

**Remesas Sociales**

Del mismo modo en que hay remesas monetarias que afectan a la vida social, también hay remesas sociales que empiezan cuando los migrantes están todavía en los EEUU. Las remesas sociales son “las ideas, comportamientos, identidades y capital social que los migrantes exportan a sus comunidades” (Levitt y Nyberg-Sorensen, 2004, p. 8), los cuales “pueden ser transmitidos por los migrantes mismos al regresar” (Barrett, Gibbons y Peláez Ponce, 2014, p. 1). Las remesas sociales tienen grandes consecuencias como parte de los efectos de la migración (Levitt, 2001; Stephen, 2007).

Mientras que los migrantes están en los EEUU, hay varias formas en las que se pueden quedar conectados con su pueblo de origen y con su familia en Guatemala. Hay una gama de conexiones entre el migrante y su pueblo; algunos se quedan muy conectados mientras que otros no. Los que se quedan conectados normalmente mantienen la comunicación por medio del teléfono, utilizando celulares y tarjetas de llamada. Michaela, una comalapeña de 39 años, siempre utiliza el teléfono para hablar con su esposo (comunicación personal, 23 de septiembre de 2011). Su esposo, quien está en los EEUU, la llama todos los días o cada dos días para platicar. Él también compra tarjetas de la compañía Tigo, y manda
los fondos directo al teléfono de Michaela para que ella lo pueda llamar a él. También los hermanos Gómez que conocimos anteriormente utilizan el teléfono para poder llamar a su familia en Tecpán. En los últimos años, las cosas han cambiado un poco porque los teléfonos en Guatemala ya pueden usar Internet, así que algunos los usan para llamar por Skype, Facebook, Whatsapp u otras aplicaciones. Este fenómeno se nota principalmente entre las generaciones más jóvenes, aunque también hemos visto jóvenes que ayudan a los abuelos a usar el Skype o Facebook para llamar por video a sus nietos en los EEUU. El uso de la tecnología para quedar conectado con la familia abre caminos por los que pueden fluir ideas, idioma y otros aspectos de la vida (Foxen, 2007; Levitt, 2001).

Adicionalmente, como vimos en la sección anterior, muchos residentes de la región critican a los mayas que han ido a los EEUU por no querer hablar ya el idioma Kaqchikel, y eso pasa a veces. Por ejemplo, Brenda, una comalapeña de 53 años cuyos hijos han migrado a los EEUU, comentó sobre el idioma: “Toq yeb’a, man nikikusaj ta ri qach’ab’äl. Rin nina’ rik’in wach’alal man yekajo’ ta chik yojtijon ri ke re” (No usan nuestro idioma (cuando se van)). Solo me doy cuenta yo con mi familia que ya no quieren hablar así (en Kaqchikel)) (comunicación personal, 27 de septiembre de 2011). Según ella, sus hijos ya no quieren hablarle en Kaqchikel aunque sí lo hablaban siempre antes de irse. Ellos dejaron de hablar el idioma por las experiencias discriminatorias que sobrevivieron mientras estaban en los EEUU. En ese sentido, para ellos, haberse ido a los EEUU les quitó o disminuyó el uso de su idioma maya. La pérdida de un idioma indígena debido a la migración se ha visto en varios lugares, y puede tener efecto en los pueblos de origen ya que la gente con capital social desvalora el idioma por no hablarlo (Crystal, 2000).

Hay otras formas en las que la experiencia de estar en los EEUU cambia las normas lingüísticas y otras normas sociales para los Kaqchikeles. Por ejemplo, varios entrevistados comentaron que los migrantes cambian su forma de hablar no solo porque aprenden otro idioma (español o inglés), sino que también cambian las elocuciones que usan con frecuencia. Por ejemplo, Pedro, un comalapeño de 61 años cuyo hijo ha migrado a los EEUU, dijo “Ya man yetzijon ta achiel roj pa ch’ab’äl. Xaxe’ nikikusaj tzij achiel “ok.” Y toq yetzolin pe, xaxe’ castillo” (Ya no habla como nosotros (en Kaqchikel) ahora. Solo usa palabras como “ok.” Y cuando regresa, solo español) (comunicación personal, 9 de octubre de 2011). Aquí Pedro nota dos cosas: que su hijo ha adoptado elocuciones americanas como “ok,” y que también ha adquirido una preferencia por usar el español. Pedro me comentó que se notan estas distinciones tanto cuando llama por teléfono como cuando regresa a Comalapa. Su hijo iba a quedarse en Comalapa, pero después se decidió regresar a los EEUU. De todos modos, en estas formas, los migrantes afectan las normas lingüísticas por medio de sus remesas sociales. El efecto es especialmente potente porque
en muchas comunidades se asocia la migración con la movilidad económica; por eso, la manera en que hablan los migrantes tiene una fuerza social adicional (Kerswill, 2006; Parsons Dick, 2011; Zane, 2010; Zentella, 1990). Eso también aumenta la frecuencia con la que se mezcla con el inglés y se asocia con la pérdida del idioma indígena, porque la mezcla del Kaqchikel con otros idiomas se interpreta como pérdida (England, 2003; Maxwell, 2009).

Aunque estas formas de comunicación pueden ser una manera en la que las remesas sociales afectan a las normas lingüísticas, hay formas en las que también se abren espacios para el apoyo al Kaqchikel, o sea, que la migración a los EEUU abre espacio para fortalecer la identidad maya. Por ejemplo, Óscar, un comalapeño de 48 años que estuvo en los EEUU por siete años, hablaba con su esposa en Kaqchikel por teléfono cuando llamaba de los EEUU. Cuando regresó, siguió hablando en Kaqchikel. Él enfatizó la importancia del Kaqchikel para él en sus acciones diarias. Ni una vez lo oí hablar en español, y desde un principio me habló en Kaqchikel. Como dijo él, “Ke re nuch’ab’äl, y ke re yitzijon jantape” (Así es mi idioma (el Kaqchikel), y así hablo yo siempre) (comunicación personal, 1 de noviembre de 2011). Él contó que sus experiencias en los EEUU le ayudaron a darse cuenta de la importancia de los idiomas, porque como dijo, “me di cuenta de que mientras más lo hablo, mejor.” Además, tuvo unos jefes en los EEUU que se interesaron en él, le preguntaron de dónde era y cómo era ahí. Les contó que hablaba Kaqchikel, y pensaron que era muy interesante y quisieron aprender un poco. De esas experiencias llegó a sentir más orgullo por su idioma, y lo sigue hablando en su pueblo ya que ha regresado. Esas experiencias son lo que Hale identifica como resultado del neoliberalismo multicultural, o sea, que hay espacios en los cuales el mercado libre permite el apoyo a la diversidad étnica (2006). Pero, aunque hay espacios que apoyan, también hay muchos espacios de desvalorización de la identidad maya como vimos en los ejemplos anteriores. Estas experiencias son parte de la forma contradictoria del neoliberalismo que inicia la migración a los EEUU hoy en día (Jonas y Rodríguez, 2014).

Además de las remesas lingüísticas, se nota que existen varias remesas sociales que mandan los migrantes mientras están en los EEUU a través de los medios de comunicación tecnológicos y que cambian la vida maya. Por ejemplo, los migrantes hablan sobre ciertas fiestas, como la Navidad, que se celebra con gusto en los EEUU. Los migrantes no solo les cuentan a sus familias sobre estas celebraciones sino que también pueden empezar a mandar más dinero o regalos para que las familias también celebren esta fiesta. Por ejemplo, la familia Gómez ha tenido esta experiencia con los dos hermanos que se encuentran en los EEUU. No solo hablan de estas fiestas sino que también mandan algunas cajas de regalos a la familia para poder celebrar la Navidad. Sus padres cuentan que antes no celebraban
mucho la Navidad, pero con los dos hermanos que envían regalos, eso va cambiando. De este modo, estando todavía en los EEUU, los migrantes pueden mandar remesas sociales que afectan las normas en su pueblo de origen.

Existen todavía más cambios sociales que ocurren cuando los migrantes regresan a sus pueblos de origen, trayendo consigo prácticas y normas que han adquirido en los EEUU. Anabel, la hermana de un migrante de Comalapa que se fue a los EEUU comentó que cuando regresó, “xaxe’ nirajo’ nutaj ti’ij, achiete, ke re” (solo quería comer carne y cosas con aceite) (comunicación personal, 6 de noviembre de 2011). Según ella, sus preferencias de alimentación y alimentos habían cambiado y ya no le gustaba comer “simple,” como a los indígenas del pueblo. Implícito en estos comentarios hay una conversación clasista sobre lo que es capaz de hacer monetariamente un migrante, en este caso consumir comidas que cuestan más dinero y que en muchos pueblos solo se comen una vez a la semana (por ejemplo, muchos solo comer carne una vez a la semana).

Cuando un migrante Kaqchikel regresa de los EEUU, es posible que traiga consigo algunas normas nuevas sobre los trabajos domésticos. Como contó Óscar, un señor de Comalapa que conocimos arriba, “ojer majun ta xinb’än wawe’ pa jay. Pero toq xib’a chi la los estados, k’o chi ninb’än ronojel. Majun ta nub’an chi nuwäch chi la. Y k’a ri xin’a chi k’iy samaj nirajo’ ri pa jay. Entonces wakamin xipe chik rik’in wach’alal, nintó’ ri wixjayil wawe’ pa jay toq yitikir” (antes no hacía nada en la casa acá. Pero cuando me fui a los EEUU, tuve que hacer todo. No hay nadie que haga eso allá por ti. Y me di cuenta de que es mucho trabajo. Entonces ahora que regresé con mi familia, ayudo a mi esposa acá en la casa cuando puedo) (comunicación personal, 1 de noviembre de 2011). Él cuenta que ahora hay veces que ayuda a cocinar, especialmente si va a hacer algo que aprendió a preparar en los EEUU. También hay veces que ayuda con la limpieza y otros quehaceres de la casa que se presentan. En ese sentido, la migración a los EEUU cambió las normas domésticas para ellos. Es importante reconocer que no hemos encontrado este tipo de cambio con todos sino solo con algunos. Este tipo de efecto se ha notado como resultado de la migración en otros lugares (Bianet Castellanos, 2010; Stephen, 2007; Zhang y Fussell, 2017). Es necesario hacer un estudio específicamente sobre ese tema para saber más de la región maya, pero la historia de Óscar y su esposa señala que ser maya americano puede cambiar las normas de género entre una pareja maya.

En cuanto a las ropas, lo que significa ser maya americano es muy complejo. En sus investigaciones, Bennett no encontró ningún hombre que utilizara trajes indígenas antes de irse a los EEUU. Es importante también notar que, entre los hombres que regresaron a sus pueblos, tampoco había hombres que empezaran a utilizar los trajes después de migrar a los EEUU. “Roj man niqakusaj ta chik” (nosotros ya no usamos) dijo Filibero,
un migrante de Comalapa de 50 años (comunicación personal, 23 de septiembre de 2011). O sea, que la experiencia de ser maya en los EEUU no empujó a los hombres a utilizar el traje indígena después de regresar.

Para las mujeres, la migración a los EEUU abre varios espacios para utilizar traje. Bennett conoció a varias mujeres cuyos esposos estaban en los EEUU. Algunas, como Lili, una tecpaneca de 50 años, utilizan las remesas monetarias de sus esposos para poder comprar trajes indígenas, los cuales no podían comprar con la ganancia de sus esposos antes de que migraran a los EEUU. Lili dijo, “man xitikir ta xinloq’ nutzyaq pero wakamin sí, yitikir ruma ri wachijil nутaצ pe nurajil” (Yo no podía comprar traje pero ahora sí, puedo porque mi esposo me manda dinero) (comunicación personal, 2 de febrero de 2012). Es importante notar que los trajes indígenas cuestan mucho más que la ropa occidental. Un traje entero de buena calidad como los que compra Lili vale entre $200 a $275 UDS (1,500 a 2,000 quetzales). Ahora, Lili siempre va con güipil y corte, y encuentra mucho orgullo en poder utilizar sus trajes. “Wakamin yalan jeb’él nina’ ruma ke re qab’anik” (ahora siento muy bien porque así es nuestra forma) (comunicación personal, 2 de febrero de 2012). En este sentido, tener un esposo maya americano le ha abierto espacio para que ella utilice ropas mayas en Guatemala. Por otra parte, también hay mujeres como Carolina, una comalapeña de 28 años que ha migrado a los EEUU. Ella utiliza ropas occidentales allá y después, cuando regresa, utiliza el traje maya en su pueblo. “Es que chi la majun modo nakusaj qatzyaq, pero wawe’ jeb’el ninkusaj” (es que allá no hay como usar el traje, pero acá siento bien usarlo) (comunicación personal, 5 de diciembre de 2011). En ese caso en particular, ser maya americano para una mujer maya abre espacio para utilizar los trajes mayas.

Como notamos, no hay un solo impacto o forma de ser maya americano en Guatemala, sino que hay una variedad enorme de identidades de personas mayas que se han ido a los EEUU. Para algunos, ser maya e ir a los EEUU resulta en una pérdida del idioma y la transformación de la cultura maya, mientras que a otros les da más fuerza para utilizar su idioma y practicar la forma de vida maya. Pero tal vez lo más importante es darse cuenta de que sí hay espacios para el apoyo a la identidad maya en la migración de hoy, aunque las migraciones de hoy son mucho más individuales y fracturadas de lo que eran las de los años ochenta. La situación se complica en cuanto a qué significa ser maya americano porque la migración y la globalización de la cultura americana son parte del mismo fenómeno y se acoplan para influir la cultura y la vida maya de varias formas en los pueblos de origen. Sin embargo, la influencia de la vida americana y las experiencias de las personas mayas en los EEUU tienen una variedad de implicaciones para los pueblos de origen. Concluimos este artículo con la experiencia de Cuma y el impacto que ha tenido en su vida.
Testimonio de una migrante maya a los EEUU

Ambrocia Cuma Chávez

Desde la base de una identidad, el paso en los Estados Unidos conlleva otras vivencias diferentes a la realidad que viven otros migrantes que no cuentan con privilegios, en forma particular la experiencia es positiva, debido a la oportunidad de contar con apoyo de personas académicas, de universidades reconocidas, situación que cambia el sentir de ser migrante con experiencias halagadoras, que de alguna manera ha contribuido a mantener un autoestima considerable de los valores culturales, el migrar a dicho país en lo personal es una oportunidad de desarrollo integral porque mis derechos humanos no fueron violentados, esto hace que mi sentimiento a los Estados Unidos difiere de otros. Vale la pena describir, como mujer maya, el compartir con la sociedad americana, mi cultura, a pesar de los estereotipos que pudieran haber surgido, sin embargo he compartido en dicho país mi traje, mi idioma y los conocimientos ancestrales, esto ha dado una connotación diferente al sentir de otros hermanos que han carecido de derechos y que su testimonio pudiera ser tan estigmatizado, y me solidarizo con ellos, pero no debo generalizar debido a las oportunidades de las cuales he sido acreedora, que son totalmente diferentes.

Muchas veces me pregunté, ¿por qué estoy aquí? En realidad, me sentía privilegiada, el hecho de no limitar mi identidad, aunque un poco extraña porque las miradas se fijaban en mi vestimenta, pero esto hacía más emocionante para mí, porque la cultura maya estaba siendo representada sin opresión, sin persecución, al contrario estaba siendo compartida, por lo que estoy agradecida.

Estas vivencias han despertado en mí firmemente, otras proyecciones y desarrollo, sobre todo valorar la identidad, valorar la cosmovisión de donde soy parte, y fortalecer mi autoestima como mujer, mujer maya y entender la importancia del rol que desempeñamos a nivel global, y que debemos asumir una responsabilidad con nosotros mismos, con la sociedad a la que nos debemos y a la sociedad que abre las puertas sin limitaciones para poder entender su cultura, a la vez entender cómo funciona la economía global y de qué forma podemos involucrarnos para ser competitivos y contribuir en el futuro como agente de cambio en la vida de las personas que pretenden migrar a otros países como Estados Unidos.

Por último, la experiencia de ser migrante privilegiada ha contribuido en mi desarrollo personal e intercultural, involucrando en mi entorno algunos elementos de desarrollo americano, donde podemos decir y constatar el intercambio cultural a través de la migración.
Author Bios: Joyce Bennett is an Assistant Professor of Anthropology at Connecticut College. Her work investigates the gendered nature of ethnicity via language and clothing among Kaqchikel migrant women. Ambrocia Cuma is Kaqchikel Maya from Santa María de Jesus. She is a Kaqchikel Maya language professor at Tulane University. In Ambrocia Cuma Chávez. Xinaläx Junajpu’. In tijonel pa Tulane University.

Referencias


Endnotes

1 Por ejemplo, Comalapa tiene 45,000 mil residentes, Tecpán 55,000, y Santa Catarina 5,000 residentes (INE Guatemala 2011, Municipalidad de Tecpán 2012, Municipalidad de Santa Catarina Palopó 2011). Adicionalmente, cada pueblo tiene una historia distinta que afecta la emigración de cada pueblo (Carey 2001 Hendrickson y Fischer 2002).

2 No quiero decir más de esta persona por si se identifica en el pueblo.
Birth Across Borders: Migueleña Maternal Experience in Palm Beach County, Florida

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Abstract: Dangers for pregnant Maya women in San Miguel Acatán, Guatemala are exceptionally high. Migueleñas who migrate to Palm Beach County, Florida also face significant risks during pregnancy. However, conceptualizing migrants as vulnerable and non-agentive dismisses the opportunity to explore other dimensions of their experiences. Interviews with Migueleña mothers and midwives and health professionals and advocates in both regions reveal resilience strategies women create and employ as they navigate linguistically and culturally foreign medical systems. This essay is primarily focused on the Palm Beach County findings, which demonstrate that over time, Migueleñas are able to adapt to the new environment through a network of support and a combination of familiar birth practices and those in the new system. They become agents of change by virtue of the manner in which they negotiate between their previous knowledge of birth and the new sources present in Palm Beach County and the support they provide each other, resulting in more favorable maternal experiences under arduous circumstances.

Keywords: Maya, women, health, migration, transnationalism, Guatemala

Introduction

Research on Maya maternal care in Guatemala outlines existing issues related to women and infant wellbeing and barriers to seeking obstetric care, yet few studies assess the transnational affect migration has on Maya maternal care. Dangers for pregnant Maya women in San Miguel Acatán, a highland municipality in Huehuetenango, Guatemala are exceptionally high and Migueleñas1 who migrate to Palm Beach County, Florida also face significant risks during pregnancy. However, conceptualizing migrants as vulnerable and non-agentive dismisses the opportunity to explore other dimensions of migrant women experiences. This research is based in part on my dissertation, a transnational study centered on both regions aimed at investigating changes in Migueleña maternal care in their hometown of San Miguel and Palm Beach County, a major Migueleña destination

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1 Women who are from San Miguel Acatán are referred to as Migueleñas.
(Mazar 2015). Moving beyond the vulnerability associated with pregnant undocumented women, the research explored Migueleña resilience based on their development of strategies which indicate ways they successfully overcome hardship to manage their own maternal care and subsequently help other Migueleñas manage theirs.

This essay is primarily focused on the Palm Beach County findings, which demonstrate that over time, Migueleñas are able to adapt to the new environment through a network of support and a combination of familiar and new birth practices. Between 2012 and 2014, qualitative individual interviews were conducted in Palm Beach County and San Miguel with 16 Migueleñas who gave birth to at least one child in either or both locales. The range of ages allowed insight into changes in perception of maternal health-seeking behavior over the years, as participant ages ranged from young mothers 18 years of age to grandmothers in their late 40s and early 50s. Interviews with Migueleña mothers in Palm Beach County and their relatives in San Miguel resulted in a comparative view among family members in both regions². Participant migratory status was taken into consideration, United States participants included documented and undocumented women. Education levels varied although most Palm Beach County mothers spoke fluent conversational Spanish. Three participants who were not fluent in Spanish understood Spanish well and were accompanied by daughters who translated from Acateko when they had difficulty expressing an idea in Spanish, which was seldom. The data provides a detailed view of transnational maternal care seeking behavior from the women’s own perspectives as well as that of health advocates interviewed in San Miguel and Palm Beach County.

Interviews with Migueleña mothers, health professionals, midwives, and advocates reveal resilience strategies Migueleña migrants create and employ as they navigate linguistically and culturally through foreign medical systems. They become agents of change by virtue of the manner in which they negotiate between their previous knowledge of birth and the new sources present in Palm Beach County and the support they provide each other, resulting in more favorable maternal experiences under arduous circumstances. Though their views vary, the women employed similar strategies to navigate a culturally and medically different system than previously familiar.

Resources available to migrant women in Palm Beach County and barriers to utilizing them are presented in this essay along with various functions of social networks, specifically networks women used to gain support and access to services. Migueleña migrant perceptions of maternal care and coping and resilience methods they employ to adjust to a

² With the exception of one Palm Beach County participant and one participant in San Miguel, each Migueleña mother and at least one family member who was also a mother were interviewed across both locations.
vastly different medical system are emphasized. Interviews demonstrated that over time, they became knowledgeable about maternal care in Palm Beach County through use of services available from government, non-government and religious organizations. Social networks and especially support of and information gained from other migrant women from Mexico and Central America played a significant role in this adjustment.

San Miguel and Maya Migration to Palm Beach County

In 2010 the population of San Miguel was recorded as 4,494 families totaling 24,939 residents, 47% male and 53% female, with 99.40% from Maya Acatek origin. The general poverty stood at 91.45% and the extreme poverty, signifying insufficient income to cover basic food needs, amounted to 43.5% (Andrés et al 2010). San Miguel has a small government run health center that services daily nonemergency medical needs operated by nurse auxiliaries, a head nurse and a doctor, but does not count on medical equipment or staff for urgent care. Economic opportunities are scarce, one of the leading factors attributing to temporary and permanent outward migration to Mexico and the United States in search of employment. The economy relies on remittances, according to Andrés in 2010 residents reported that from every family, at least one person had migrated to the United States.

The impact of migration on San Miguel is manifested throughout the region, evident in the architecture, dress and language. Billiard halls, cantinas, cafeterias, hostels and stores named after major destination cities and states such as “Hotel Florida” and “Billar Lake Worth” are prevalent in San Miguel. Similarly, Maya population presence is particularly visible in Lake Worth, with certain areas of Maya enclaves. There are small businesses owned and frequented by Maya migrants, such as restaurants, bakeries and convenience stores that sell Guatemalan products. Establishments are recognizably Guatemalan owned; some names for example include “Quetzal”, named after the Guatemalan national bird and currency, or Tecún Umán, after the Maya hero.

The Maya migrant population in Palm Beach County dates back to the late 1970s at the onset of Guatemala’s 36-year civil war, which greatly affected San Miguel and surrounding regions. In 1988 the Maya population in Florida was estimated at fifteen to twenty thousand, of which a few thousand resided in the Palm Beach County areas of Indiantown, West Palm Beach, Homestead, Boynton Beach, Immokalee and Okeechobee (Burns; 1993). In 2009, the Guatemalan-Maya population in Florida was estimated to be between 29,000 and 60,000, or as many as 100,000, noting that variation in figures is caused by miscounting Mayas as Hispanics (Linstroth; 2009). Additional factors
preventing accurate figures are legal status and population changes depending on the availability of work, which is highest during harvest season.

Migueleña Maternal Experiences in Palm Beach County and San Miguel

Entering and embracing an unfamiliar medical system requires a variety of decisions relying upon new and previous birthing knowledge. Migrant women do not simply adapt to new prenatal resources available, it is a complex and multifaceted process in which decisions are grounded on experiences in their place of origin and settlement (Almeida et al, 2013; Gálvez, 2011; Im and Yang, 2006). Diverse health experiences are mediated by a woman’s immigrant experience, including socioeconomic status prior to migration, reason for migration, economic hardship, employment, social support, spirituality, cultural beliefs, education and life events (Im and Yang, 2006). Migueleñas interviewed in Palm Beach County share a cultural background from the same Guatemalan community, yet their differing prior and post migration experiences result in varying views on and reactions to Palm Beach County’s medical system.

Palm Beach County statistics of women who do not seek care early in their pregnancy or at all, is alarming; approximately 25% of women do not seek prenatal care in the first trimester, of which over 40% are Hispanic women (HMHB program director, personal communication, October 12, 2012). There is no data that focuses specifically on the prenatal care received by Migueleñas or Maya women in Palm Beach County. Insight from interviews and information on the maternal care familiar to Migueleñas reveal it is drastically different than the maternal care common in the United States. Over 90% of women gave birth at home and only 8.6% of Migueleñas received all 4 prenatal controls (Supervivencia Infantil 2013). Checkups, bloodwork and vitamins are not routine and home births are the norm in San Miguel, and therefore transition to biomedical maternal care in Florida is not automatically accepted as a natural or simple process. Migueleñas based maternal-care-seeking choices on their pre-migration experiences and knowledge and what they witnessed and learned in Palm Beach County. Individual stories lead to a more thorough understanding of the diverse attitudes and use of maternal care, which change over time. Maternal experiences of Migueleñas who had more than one child were affected by experience lived and knowledge gained from each birth. Interviews revealed women found ways to incorporate their previous maternal care, and delivery culture and knowledge, and while some questioned procedures, all displayed a general trust in the

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3 Statistics are not based on migratory status, taking into consideration both migrant women and women born in the United States.
Healthy Mothers Healthy Babies and the Guatemala-Maya Center Services

The main function of Healthy Mothers Healthy Babies (HMHB) is to improve access to prenatal care in the first trimester and to link women with early care, familiarizing them and connecting them to free and low-cost services. The agency’s main concern is that women are waiting to access services until their second or third trimesters, resulting in issues such as gestational diabetes, high blood pressure, preterm labor, low birth weight, birth defects and infant mortality. HMHB has staff knowledgeable of Maya women’s specific needs and obstacles and caters to the Maya population in several ways.

CenteringPregnancy is a group prenatal and early postpartum care program offered by HMHB to improve birth outcomes for low-income minority at-risk women. A practitioner or midwife checks women individually during group meetings while a moderator facilitates group discussions about pregnancy, delivery and infant care. CenteringPregnancy has shown positive results among Hispanic migrant women; those who joined CenteringPregnancy were significantly less likely to experience preterm births, were more satisfied with and participated more actively in their prenatal care and their homes were more medically prepared for infants. While more Central American women selected traditional care over CenteringPregnancy, a larger number of Guatemalan women opted to receive group care (Tandon et al., 2012).

Reasons why women selected group care were not noted, however, the CenteringPregnancy program manager believes the attendance is high because Maya women tell others in the community about the program. She mentioned that when the study was conducted the program had a Kanjobal speaking Maya outreach worker trusted by Maya women. The women felt accepted and comfortable, although they tended to participate the least in discussions. It is possible the Maya collectivism of Maya women makes group learning an effective source of birth knowledge. Study director Darius Tandon (personal communication, November 18, 2014) agreed that it could be attributed to collectivism and a combination of women wanting group support, and because they are culturally accustomed to care lasting longer than the brief prenatal individual care in the United States. Few of the Palm Beach County participants interviewed attended elementary school, and none graduated from high school. The visuals and discussion-based learning during group meetings are a more appropriate way of learning as well due to low literacy levels among Maya women.

For additional perspectives on Maya collectivism, see Galban and Simon, 2019.
Since 1992, the Guatemalan-Maya center (GMC) has provided services and programs that identify and assist individuals at risk of poor birth outcomes and inform them about and connect them with available services (Guatemalan-Maya Center). Services are similar to those of HMHB, but geared specifically to the Maya community, including literacy classes, legal assistance and translation and interpretation services, which are particularly useful in medical settings. Many participants used the GMC to better understand prenatal care options and for paperwork assistance and filing for government aid. When consulted in 2014, the GMC did not have an annual report containing specific information on services provided nor the amount of people who utilized them. Executive assistant Jill Skok (personal communication, November 17, 2014) shared that approximately 1,500 people seek various services monthly and that they planned to create a report. The GMC is a well-known resource among the Maya community, every Migueleña interviewed was aware of its services.

**Barriers to Seeking Maternal Care in Palm Beach County**

Migrant women avoid seeking care in host communities and urban settings for numerous reasons. Major barriers to healthcare for migrants include lack of information, cultural and linguistic barriers, fear of fees and bureaucratic processes, and fear of being detained or deported by Immigration and Customs Enforcement (ICE) (Portes et al., 2012). A survey of migrant maternal care studies revealed that miscommunication between migrant women and healthcare providers resulted in less than optimal prenatal care, such as undiagnosed symptoms and poor compliance with treatment (Almeida et al., 2003). In the particular case of maternal care, undocumented women in the United States tend to underutilize services and receive less prenatal and postpartum care since they generally have restricted access to government health services, no private insurance and negative attitudes toward medical practitioners (Sargent and Larchanché, 2011). The notion among migrant women that they are ineligible for or cannot afford care, coupled with fear that it could result in deportation are common misconceptions that deter care early on in pregnancy.

Interviews with Migueleñas revealed that their maternal health-seeking behavior in Palm Beach County is influenced by similar factors as in San Miguel as well as additional reasons that affect migrant women, including lack of information and misinformation about care, fear of deportation, transportation issues, financial constraints and communication challenges due to language and cultural differences. Low levels of clinic attendance relate specifically to lack of information and cultural differences; Migueleñas do not view
pregnancy as an ailment and are accustomed to visiting clinics only when feeling ill, a mindset preventing routine prenatal check-ups.

Most women interviewed who became pregnant shortly after arriving to Florida were initially unaware of prenatal care options. HMHB affirmed that anyone meeting income criteria and residing in Palm Beach County can access prenatal services, women exceeding income criteria can access doctors on a sliding fee basis and women cannot be deported for seeking care. Despite this, data indicates that a significant number of women are not utilizing services until the second or third trimester, and some not until delivery. Lack of transportation is also a factor, and though HMHB does not provide transportation, they provide bus passes and have mobile services for clients with extreme difficulties. However, funding is not available to provide transportation to all who require it.

Fear of unfamiliar procedures prevented many from seeking medical care early on during pregnancy. Coleen Supanich (2009) found that women who did not locate a midwife were more likely to seek biomedical care earlier, while those with midwives waited until late in the pregnancy. Many participants who had previously given birth in San Miguel did not attend the Health Center in San Miguel before delivery and those without prior birthing experience were also not accustomed to attending a clinic. To them, giving birth was understood only as taking place at home assisted by a midwife while the clinic environment and procedures were unnecessary. For example, a procedure such as drawing blood seemed intimidating to those from a place where this is not standard.

Interviews with Migueleñas and healthcare professionals in both locales revealed that language and communication barriers are major deterrents to seeking care. In Palm Beach County, they recalled incidents when miscommunication led to both staff and patient frustration, including examples of slang and cultural differences even when speaking Spanish, contributing to negative experiences for mothers. Messages of such experiences spread among the Migueleño migrant community and may impinge on decisions to seek care. Word of mouth is an effective strategy among Maya migrants because it leads to dissemination of knowledge about maternal care, yet in some cases, it can result in rumors that cause fears preventing women from accessing formal care. Low literacy rates among Maya women who speak Spanish also hinders ability to seek care, as they do not benefit from instructional materials provided and cannot fill out forms without assistance. None of the Migueleña migrants interviewed spoke conversational English and the majority did not speak Spanish well enough to understand clinic staff during their pregnancies. Communication and language barriers significantly deterred them from attending the clinic, resulting in uncomfortable experiences.
Immigrant women’s access to public prenatal care can often lead to a displacement of prior knowledge, as they are instructed to behave as particular kinds of needy patients, which can undermine protective and helpful behavior that these women practiced prior to entering the new system (Gálvez, 2011). Healthcare professionals may be unfamiliar with the culture, needs and habits of the women seeking medical care. In Lake Worth, Father O’Loughlin (personal interview, December 9, 2013) recalled that the standard used to measure whether women would require Caesarean operations due to at-risk births was not applicable to Maya women, as they had different body types than measured by the scale. As a result, Caesarean operations were performed on women capable of vaginal delivery, and some women were not familiar with the procedure or prepared for the recovery process. Whereas in San Miguel even in the case of emergency it is difficult for women to access hospitals for Caesarean operations. Reverend O’Loughlin’s account presents an example of how delivery was medicalized from a generally natural process in San Miguel to an operation presided by height and weight statistics not culturally relevant to Migueleñas in Florida.

Employment also deters migrant women from seeking formal care, as their jobs are often not flexible enough to allow for routine checkups. In 1995, Nancy Wellmeier found that Maya women in Indiantown and surrounding cities participated in various types of employment; most commonly landscaping, agriculture, juice processing plants, sewing, importing and selling typical clothing, cooking for boarders and caring for other Maya women’s children. Employment varied for Migueleña participants in this study, yet most women held physically intensive jobs either handling and preparing flowers or in the agriculture industry, where their health and pregnancies were affected due to pesticides and lack of necessary rest and food intake (Mazar, 2015). Loss of income is problematic for women whose livelihood and that of remittance recipients depends heavily on their hourly wages. For those who are away from their family, the need to work is also attributed to lack of family support. Whereas in San Miguel women rely on family support during pregnancy, especially during the recovery period, without family nearby, migrants cannot afford to stop working.

Migrant women encounter a different set of dangers when pregnant, especially those who continue to work while pregnant, and employment hindered formal care for every participant on some level during at least one of their pregnancies. Routine or necessary clinic checkups may be skipped by Migueleñas that hold labor intensive jobs throughout their pregnancy due to discomfort with procedures. Therefore, work is not only a barrier to seeking care, but provides further reasons for which pregnancies ought to be closely monitored. Physically demanding jobs may also result in tragic consequences,
including miscarriage (Mazar, 2015). Although work presents dangers to pregnancies, it also provides women with a social environment in which necessary support and advice may become inaccessible otherwise.

Influence of Social Networks, Support and Information Exchange

Migrant networks are “sets of interpersonal ties that connect migrants, former migrants, and non-migrants to one another through relations of kinship, friendship, and shared community origin” (Palloni et al., 2010, p.1263-1264). As researchers have long recognized, and as this case study confirms, migrant networks are critical to migrant success in the host nation. Networks are also essential to opening migration possibilities via funding, employment and housing. The premise of the network hypothesis of social capital theory is that migrants’ relatives have higher odds of migrating on account of access to social capital made possible by prior migration (Massey, 1987; Massey, Goldring, and Durand, 1994; Palloni et al., 2001). Networks increase the likelihood of international migration due to reduced costs necessary for and risks associated with migration, information dissemination and increased expectations of future net returns (Palloni et al., 2001). In addition to financial and housing assistance, social networks serve the important function of providing emotional support and advice on system navigation.

Most Migueleñas interviewed had small, established networks comprised of immediate or distant relatives as well as Migueleño acquaintances before arriving to Florida. Networks were in Florida and transit cities, particularly important for crossing the border by land given the distance from the entry point to the East Coast. The knowledge and support Migueleñas gained at work demonstrates that networks are crucial to accessing information necessary to promote healthy pregnancies and deliveries. Studies show that women’s networks alleviate fear and isolation and encouraged other women. Migrant women employed in live-in domestic jobs are at a disadvantage when it comes to social networks and support as they lack interaction with other migrants (Hondagneu-Sotelo, 1994; Hagan, 1998). Study participants were not employed in domestic work and many were able to secure essential support and information from coworkers and contacts at work. For example, two participants were informed about their options and encouraged to attend a clinic during work interactions with coworkers who had delivered in the area.

Experiences and knowledge women share with each other become a major factor in system navigation. HMHB promotes services in numerous ways, and in our 2012 interview, the program director agreed that word of mouth stands as the most common way to spread resource information and advice. Negative experiences can lead to distrust and
Migueleñas learn of midwives from the Migueleño community’s social networks. Some of the women who gave birth in Palm Beach County visited midwives to receive traditional massages. Only one delivered her firstborn at home with the assistance of a midwife who offered to live at her home and assist with household chores in exchange for delivering her daughter. She told me that her brother met the midwife in Indiantown, and she knew of her in San Miguel, evidencing how social networks function to grant access to contacts that can provide migrants traditionally familiar services.

Migueleña Resilience and Adaptation to Maternal Care in Palm Beach County

Migratory status affects Migueleña maternal health, leading them to resort to several strategies in order to give birth and care for their children. Many Migueleñas, especially new immigrants, choose to combine familiar cultural practices with the clinic environment due to factors such as language barriers and procedures that seem unnecessary. While most women in San Miguel deliver at home, the majority residing in Palm Beach County deliver in a hospital. There is no data available that speaks to the number of women who seek midwife maternal care in the region instead of or in addition to biomedical care. Interviews in both locales revealed that women who seek varying levels of prenatal care—from occasional visits to health centers and clinics to hospital delivery—elected to integrate this experience with traditional midwife practices.

In San Miguel, midwives are trusted community members; they are often family members, or personally know the women they are treating prior to their pregnancies, contrasting greatly with care from unknown and culturally different providers. Maya midwives take pride in their Guatemalan training and certification. It is difficult for them to understand why they cannot practice in the United States, but their work has shifted from birth assistants to health and nutrition promoters and prenatal experts who give therapeutic traditional massages which are comforting to women who are accustomed to this cultural practice (Burns, 1993, p.347). Midwives are aware it is illegal to perform
During interviews with a *Migueleña* midwife in Palm Beach County, I learned that her responsibilities are a spiritual calling that must be fulfilled and not a choice; she stated that while she is registered with the Justice of the Peace and received minimal training from the Health Center in San Miguel, she knew what to do prior as divine power has guided her in over twenty years of deliveries. She understands her services are limited by law as she is not licensed to practice in Florida and is undocumented, so due to fear, she sends women who want to deliver at her home to the hospital. She believes in her duty to heal, so she accepts visits for minor prenatal and postnatal care and other health concerns and continues providing massages and herbal remedies, because unlike providing birth assistance, this would not call attention to her or jeopardize her status. She told me she does not advertise her services; instead, documented and undocumented Central American women access her through referrals from women who have given birth and those who had infertility issues and miscarriages. She felt that undocumented women who visited her felt more comfortable with midwives than in clinics, demonstrating that women do not necessarily renounce cultural practices they are accustomed after migrating, nor do they blindly accept the practices of the new culture.

*Migueleña* migrants initially feel more comfortable with *Migueleña* midwives over medical staff since it is customary to be seen by a midwife in San Miguel, as treatments are culturally familiar and serve as the only maternal care most have experienced. Midwives' treatments are trusted and familiar, they offer services for little to no cost, and the fear of deportation is not a factor for pregnant *Migueleña* migrants when seeing a midwife. *Migueleña* midwives rarely assist women in delivery in Palm Beach County, yet they serve an important function beyond treating discomfort during pregnancy; they encourage women to visit prenatal clinics and are able to provide information about additional types of care available.

**Family and Network Support and Spirituality as Coping Strategies**

Formal and informal support systems are a significant factor in successful adaptation during a relocation process. Abraham P Greeff and Joanita Holtzkamp (2007) found that the primary coping resource was intra-familial assistance such as family, emotional and practical support. Support of extended family and friends was the secondary coping resource, followed by activities related to religious and spiritual beliefs. Affirming communication, which calms by transmitting support and caring, was a significant factor in family resiliency. In our interviews, some Palm Beach County
participants explained that though their immediate family was lacking or they felt lonely upon arrival, they eventually built their own family and the presence of an involved partner gave them emotional and financial comfort. The women with supportive partners also felt that although they missed their family, they received the knowledge, encouragement and assistance that their family or spouse did not provide them in San Miguel.

Religion and involvement with the church are significant factors to migrant resiliency and settlement (Vlach, 1992; Burns, 1995; Hondagneu-Sotelo, 1994; Kohpahl, 1998; Greef and Holtzkamp, 2007). Religion is of great importance to the Maya in Guatemala and abroad. In Palm Beach County, Evangelical and Catholic churches provide supplies and link migrants to resources and information. Aside from assistance provided by religious organizations to Maya migrants and the support networks created among church members; the data reveal that many found comfort in their spirituality during challenging life moments. Almost every participant mentioned or thanked God as a source of strength.

**Influence of Miguélena Migrant Experiences on Miguéneas in San Miguel**

Information on the maternal care context in San Miguel built a foundation for a more complete understanding of maternal care choices in Palm Beach County. Additionally, examining the Palm Beach County Miguélena maternal care-seeking context is the only way to measure its impact on Miguéneas in San Miguel. Both study sites are not mutually exclusive; each is pertinent to understanding the context of and changes in the other. Migrants’ experiences cause the set of birth practices in San Miguel to be continually re-assessed and modified in ways that are broadly impacting the experience of pregnancy and childbirth for women. Communication between Miguéneas has facilitated a bi-directional flow of maternal care and motherhood knowledge and support. Miguéneas who migrate to Palm Beach County share their experiences with their relatives and friends in San Miguel primarily during phone calls and can provide knowledge, financial and emotional support to women in San Miguel. Migration alters Miguéneas’ own health seeking behavior, and those who return to San Miguel also influence the maternal care of women in San Miguel who have not migrated.

Health care providers revealed that Miguéneas who return from living in an area with greater access to care are more open to using biomedical services and successfully encourage others to use services available in San Miguel, such as prenatal vitamins and emergency obstetrician care. Health promoters also mentioned that because women who resided abroad are more open-minded, organizations such as Curamericas train them to
become community leaders who promote and advocate maternal care to women who may otherwise be resistant to it. They assist health promoters to break the taboos that prevent residents from talking about subjects that are not commonly discussed. This is especially helpful since they are trusted by some Migueleñas over non Migueleño health providers. These findings demonstrate that Migueleña migrant prenatal experiences and biomedical services in the United States influence Migueleña maternal care in both regions.

Conclusion

Interviews with Migueleñas in Palm Beach County revealed clear changes in their maternal health seeking behavior over time, including in the number and frequency of hospital births and their gradual awareness of natal care. An additional important discovery is their desire to assist others in learning about maternal care and assistance, resulting in a support network of Migueleña women that provides critically important information on the urban socioeconomic dimensions of reproductive health care available to migrant women, including knowledge gained from nonprofit organizations, attending educational prenatal group sessions, visiting clinics, prenatal care and delivering in a hospital setting for the first time. Migueleña migrants gain information about maternal care and motherhood from trusted sources within their network. They shared that Migueleña and other migrant women encouraged them and helped and in turn, they used the experience and information they gained to help newly arrived migrants. All Migueleñas interviewed in Palm Beach County confirmed that they assisted other pregnant women, accompanying them to the check-ups as others had done for them, replicating the support and passing on knowledge.

Increased access to biomedical care, changes in support from family and networks and reduced access to midwives are structural factors contributing to changes in use of maternal services in Palm Beach County. Migueleña midwives are extremely limited in the county, those who practice tend to solely provide massages and remedies, thus Migueleña women must adapt to a new maternal care system. Unlike in San Miguel, where the option to deliver outside the home is reserved for those with the resources and family support to do so, biomedical services are available to women and encouraged by their support network. This leads Migueleñas to accept hospital births as the sole option for delivery in Palm Beach County, but it does not mean they immediately welcome the unfamiliar routine clinic visits and procedures that are part of this well-established process in the United States or that they discontinue their cultural beliefs. Their decisions regarding maternal care generally occur with less influence of relatives, as distance from family
promotes newly established support systems composed mostly of other migrant women who have experienced the birth process in the United States.

The combination of traditional maternal care *Migueleñas* are accustomed to in San Miguel with medical services in Florida and the creation of a women’s support network stand out as resilience strategies. A hybrid of hometown and host country practices enables an easier transition to the new care setting and the support network enables women to learn from each other about available services and assistance. Over time, these collective strategies allow *Migueleña* migrants to become comfortable with an initially foreign and intimidating system. They gained confidence despite challenging circumstances experienced in Guatemala and upon migrating to Florida; every participant expressed fear and uncertainty when they first arrived and ultimately, they became confident and now assist others.

*Migueleñas* become agents of change by virtue of the manner in which they negotiate between their previous knowledge of birth and the new sources present in Palm Beach County. They employ strategies that have resulted in favorable outcomes, overcoming obstacles to improve their maternal experiences and that of others. By creating networks of financial and emotional support and other essential health-based connections, *Migueleña* migrants play a critical role in the evolution of transnational *Migueleña* maternal care in and across both regions. Over time, with the backing of previously established or newly formed networks they display their resilience as they begin to adapt and learn how to navigate the new culture and subsequently affect the culture they departed. This assistance extends beyond borders as the transnational network of support has resulted in positive changes for *Migueleñas* in San Miguel and in Palm Beach County.

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Challenges for Maya Family Continuity in a Transbordered World

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Abstract: Migration between Central America and countries to the north has increased in scale as well as in contentiousness as a political challenge. Too often, those most involved are peripheral to public discourse and policies. Today sizeable numbers of families, including indigenous Maya families, are participants not only in movement but as through separations across national borders and time. Evolving strategies for maintaining or re-creating social cohesion amid disruptions of migration and resettlement involve parents as well as children. Drawing on experiences of families from one highland Guatemalan community, and comparative research into adaptive strategies of immigrant families in the United States, we argue for the necessity of acknowledging current realities and shifting familial challenges that characterize millions of people in North America today.

Keywords: Maya, migration, transnationalism, displacement, family separation

Introduction

Contemporary realities for much of humanity include movement and social reconfigurations that this generates. Challenges are exacerbated further by harmful politics of exclusion and looming planetary disruptions. The Americas, whose name connotes a time of mass migration, is setting for north-south geographic and historical contours that are now reflected in narratives of tens of millions of people. As destinations become destinies, families are where transborder migration dynamics play out. While geopolitics command attention, families are where we come to understand intergenerational commitments and whether future scenarios may align with ideals like e pluribus unum, in counterbalance to contentiousness and misperceptions that prevail today.

Representative of cultures that acknowledge kinship as fundamental to existence are the Maya. Well known through archaeology and cultural anthropology, indigenous Maya are now also prominent in large-scale emigration from Mesoamerica (Loucky & Moors 2000). Their displacement is rooted in long colonial inequities and subsequent domination of the United States over Mesoamerica and much of the hemisphere. As violence
and environmental degradation provoke epic levels of migration from the mid-section of the Americas, comprised of Guatemala, El Salvador and Honduras and referred to as the “northern triangle,” it occurs in corridors that are increasingly criminalized and militarily curtailed (Miller 2019). Comprising roughly half of the population of Guatemala, Maya now face contracting possibilities, such that “survival migration” has become continental in scope (Jonas & Rodriguez 2015; Suro 2019). Today, however, policies of prevention through deterrence creates ever more insecurity, as faces of fear of Maya children and families on the U.S.-Mexico border attest.

Evidence from a Maya community in highland Guatemala, and related research in the United States, reveals how families are vital for social cohesion and transformation amid the disruptions of migration and resettlement. They are central to understanding adaptive strategies and future social configurations, particularly because of roles of mothers and children (Abrego 2014; Hondagneu-Sotelo & Avila 1997; Menjívar 2006). Our focus here is on how absence of a parent reveals potentials for enduring challenges of separation, through flexible supportive arrangements that transcend boundaries of place and passage of time.

Transborder Family Separations

The paradox of separating in order to stay together is recurrent experience of families throughout history and remains so today throughout the world. Families are primary settings for care and continuity, especially prior to, during, and following movement, whether it occurs as flight from endangerment or as means for procuring necessities of life. Research has tended to be directed toward those on the move, even though far more people do not move. Single men have also predominated in past accounts of migration (Mahler & Pessar 2006), with women and children assumed either to be “left behind” or to follow male family members, following resettlement or payment of debts incurred in migrating (Dreby 2010; Hondagneu-Sotelo & Avila 1997; Parreñas 2005; Schmalzbauer 2005). In actuality, women and children are woven into the intricacies and reorganizations of movement, making their experiences essential for accurately delineating the nature and implications of phenomena which commonly involves families.

Our attention centers on how families negotiate and adjust to movement of their members. Women, through their roles as mothers as well as partners, contend with emotional intrusions and turbulence of family life, including those associated with needs and livelihoods of children. In responding to conditions that impel or follow migration, they are continuously involved and invested in decisions. Parental investment is particularly
essential during times of precarity. Sustaining families through providing safety, mutuality, and childcare may entail shifting care-giving responsibilities, composition, and even residence, frequently with intentions that these are temporary, in order to maintain long-term familial connectedness.

Both parenting from afar and being separated from parents complicate family wellbeing (Abrego 2014, 2016; Boehm 2018; Casteñeda 2019; Dreby 2010; Hersberg & Lykes 2012, 2015; Zentgraf & Chinchilla 2012). Migration, particularly when distant or across national borders, entails adjustments that may be stressful for those who move, as well as those who do not (Lykes & Sibley 2015; Suárez-Orozco, Todorova, & Louie 2002). Research on separated families highlights varied outcomes, many of them dismal; marriages often disintegrate, women suffer anxiety and depression, and remittances may diminish, while children face tough adjustment challenges, in the face of fragmentation, disorientation and alienation that can threaten family relations (Getrich 2019; Casteñeda & Buck 2011; Menjívär 2006; Menjívär & Abrego 2009; Moran-Taylor 2008).

Absent bonds of attachment in secure parent-child relationships, children may experience diminished psychological wellbeing (Ainsworth 1989; Bowlby 1988; Brabeck, Lykes, & Hunter 2014; Casteñeda & Buck 2011). Children in the United States, many of whom are U.S. citizens, are also at risk for lower educational and social outcomes when experiencing separation from a deported or detained parent (Capps, et al. 2007; Cardoso, et al. 2018). With an estimated 5.5 million children in the United States having undocumented parents, prospects are especially sobering in cases of lengthening parental separation (Chaudry, et al. 2010), similar to emotional and behavioral outcomes that occur when a parent is incarcerared or deployed in the military (Allen, et al. 2015). Navigating the detrimental separation effects of draconian incarceration or deportation policies is particularly challenging.

Amid such circumstances, it is notable that many families demonstrate resiliency in overcoming the disruptive impacts of migration-related separation (Abrego 2016; Hershberg & Lykes 2015, 2019; Walsh 2006). In both the United States and Guatemala, women in separated families are central to income generation and caregiving, as well as prioritization of schooling so children become bien educado (well educated). Together these represent strategies that are nowhere more positive and essential than in situations of parenting from afar.

**Migration Viewed From The South: The Case Of Aguacatán**

Aguacatán, a community in the north-central highlands of Guatemala, exemplifies
how landlessness, poverty, and rural isolation combine to lead to high emigration (Camus 2008). As long as fifteen years ago, a quarter of the population was estimated to have left for the United States, and that figure is undoubtedly higher today. Women and children now comprise increasing proportions of Aguacatecos in the United States, in concentrations across the “sun belt” but also beyond, from the Pacific Northwest (such as Whatcom County, in Washington state) to the Midwest and along the eastern seaboard. Interviews with twenty-five women, each having a spouse in the United States, were conducted in Aguacatán in November 2011. Complemented by reviewing research with mixed-status and immigrant families in the United States, these reveal considerable challenges but also coping strategies that involve different forms of caregiving, managing household finances, and becoming adept at novel forms of communicating with family members, whose lives span Guatemala and el norte (the north), as the United States is known.

Parenting

Parenting, a rewarding but emotionally and physically demanding role, is intensified for single parents. Of the interviewees, over half said their male partners had ambiguous plans to return to Guatemala. The Director of the Municipal Woman’s Office in Aguacatán described the family disintegration as a result of male emigration as one in which a man may form a new relationship, such that women may need to “start looking for a new marriage to survive.” Most women spoke of the possibilities that financial support from a spouse in the United States may be cut unexpectedly. Consequently, mothers in Aguacatán initiate economic activities out of necessity. In response, extended family members employ different forms of organizational support as they take on additional roles to accommodate for a fathers’ absence. Women provide intensive parenting to ameliorate the effects of family separation, and in so doing, restructure traditional male authority within the household.

Children and adolescents must also adjust. Asked if she had a boyfriend, an 18-year-old said, “No, my dad [in the U.S.] says I’m too young.” Distant fathers attempt to maintain familial duties, primarily through using telephone and computer connections to show authority and impose discipline (Parreñas 2005). Effectiveness varies, however. As another adolescent reported: “My dad came home after being gone for eight years. I didn’t want anything to do with him. He gave money and bought food, but he’s not my dad.” A school counselor explained: “Younger children only care if they have good shoes, money and nice clothes. But it changes with the older kids. They start saying they’d rather have him here, than all the stuff.” An unmarried older adolescent was circumspect: “I’d like to have [my father] around but honestly, living apart allows me to attend private school, and
receive an education for a job someday.”

Left with pressure to reciprocate for families, some youth take advantage of opportunities, while others engage in risky behaviors, as a school director reports:

A lot of women say it is good for their spouse to go to the United States, but it’s not. They give money but there is no love. No father, no relationship. These children have a lot of problems. There is no dad to enforce rules and kids 11 to 16 years old start drinking, smoking marijuana or become pregnant.

Attempting to impose influence from afar often backfires for fathers because children feel disconnected and may rebel. And yet, while her mother nodded in agreement, another young woman saids of her U.S.-based father, “He gives us advice. Like he tells us what he thinks. Says not to drink, gives us rules.” As with many two-parent households, parenting is easier when both parents are working together for similar outcomes for their children.

**Remittances**

Remittances are central to meeting migratory goals so that toils of work and parenting across borders have positive result (Castañeda & Buck 2011; Dreby 2010). Often, however, remittances are insufficient to meet needs. Nearly half of sampled families reported using remittances solely on food (corn, crops and market items), yet the next largest single expense was split evenly between school, medicine, and housing, and less frequently to make loan repayments. Various benefits of money coming from abroad were elaborated by one woman:

Thirteen years ago, the remittances were very good. We were able to buy a house and get a computer with internet for my son studying technology. But remittances have been less in the last few years. By the time my husband pays for lights, telephone, water, and rent in the United States, there is little money left for us.

A majority of Aguacateco families rely on cash flows from the United States. Families who receive consistent remittances have access to more resources than those receiving fewer, or no, remittances. Their experience is consistent with research showing children in origin countries to have more confident relationships with fathers when remittances from them are consistent (Castañeda & Buck 2011; Hershberg & Lykes 2012,
Exchange of Knowledge

Non-monetary remittances are ways cultural transmission is realized across borders. The bi-directional flow of cultural products offers both resiliency and emotional connection to family members. In the midst of hardships, the exchange of products advertises and legitimizes the migration experience, both to themselves and to their community. As one mother put it:

[See] all the stuff that people have to show that they’ve made the “American dream.” Like those big houses around town. The kids at Juan’s school with fathers in the States send them money for nice cell phones just to show that they’re making money up there. It’s like when you see someone with nice things and think, wow what do they do to be able to buy that? But it works. People see nice things and it makes us want to go.

In other words, women in Guatemala are as much a part of the migration experience as male counterparts. Migrants maintain strong transnational connections to their sending regions by exchanging products, an example of how culture is tangibly sent and received. A mother described, “We mail him pepita, (squash seeds), chile, medicine - things he likes from here. He mails us shoes and clothes for the children.” Such transnational interactions are essential as migration has become a way of life, that many families can no longer live without.

Communicating from Afar

Among ways for creatively maintaining spousal attachments, and in turn providing secure bonds for children, most parents now utilize modern benefits of technology (cell phones, internet, and money transfers). Use of electronic communications is ubiquitous, although this reality emerged largely in just the past decade. In the 1980s and 1990s, communications with people who left for el norte relied largely on occasional and expensive phone calls, or else cassette tapes carried by people moving between the two countries (facilitating communication with family members who were not literate). By 2011, interviews reveal emerging use of social media and cell phones. Today WhatsApp and Facebook are ubiquitous, and even young children are often seen on cell phones. It remains to be seen whether increasing access to such technologies translates into greater family resilience along with more frequent communicating. Length and frequency of
phone calls were largely dependent on remittances a decade ago, but cost of phone calls is far less of a barrier today; an average conversation used to be 15-30 minutes weekly, while today many women talk daily for at least that long.

Video chatting and recording also serve as important tools for recording critical life events, though they entail psychological risks and induce economic barriers (Cuban 2017). Visual images of parents and loved ones can stir emotions, said one adolescent:

We usually talk every week or every two weeks. Unless he is back together with his girlfriend, then we don’t hear from him or get as much money. I’ve seen my dad’s new girlfriend and met my half-brother through Skype, but I didn’t like it at all. I got a bad feeling because they had all these nice things in the house and we don’t even have a floor, food, shoes, money for school.

This father did not send consistent remittances to the family because he was supporting his new relationships in the United States. It was evident that this family lived in greater poverty in comparison to women who maintained communication with a spouse and received funds.

The View from the North

Seeing migration through lived experiences not only involves families in towns like those across the Guatemalan highlands, but also families who may no longer be physically in such places yet remain connected to them. The significance of immigrant families lies in intergenerational and cultural continuities, along with civic commitments and unrivaled hard work. Their lives are also heavily impacted by the increasingly draconian nature of immigration policies, like those of deportation or discrimination, whose social costs are borne by those not directly targeted as much as by those that are. Being suspect of, or criminalized for, “being immigrant” serve as ongoing threat, even for families that include members with legal status.

With family stability so crucial to child development, long-term implications for children are of particular concern for those in undocumented or mixed status families. Persistent disconnect between protocols regarding child and family protections and the inhumanities of current U.S. immigration policies strongly affects the futures of young people, even those having long residence in the United States. Uncertainties and limited resources characterize family contexts for many of the estimated 5+ million children in the United States who have a parent who is undocumented (Castañeda, 2019; Phinney
& Vedder, 2006). With large numbers living below the federal poverty line, poverty compounds lack of legal status to create cumulative barriers that carry over from parents to children (Gonzales, 2009).

Parents in families that are mixed-status or comprised of undocumented members report children to be less healthy overall, something that in turn can result in developmental delay. Trauma associated with separation and fear of raids has been found to lower overall child wellbeing, creating adverse mental health and cognitive outcomes that can extend across a lifespan (Arbona, et al. 2010; Dreby 2012; Giano, et al. 2019; The Urban Institute 2010). Ineligibility for housing assistance is linked to crowded living space, in turn contributing to lower academic achievement, high blood pressure, and behavioral problems at school (Yoshikawa & Kalil 2011). Unavailability or unawareness about resources and presumed or actual ineligibility (such as for preschool education) impact achievements, even as limited schooling of parents may lessen their ability to provide guidance about negotiating the school system (Yoshikawa 2011). Social, financial, and psychological distress in parents who lack legal status may incline them towards being less warm towards children, as revealed in research into strains on familial relationships in mixed-status families (Brabeck, Lykes, & Hunter 2014). Not surprisingly, open parent-child communication may be compromised when threats to family cohesion and financial wellbeing emerge as fears, sadness, or precautionary behaviors (Hershberg & Lykes 2012; Lykes, Brabeck, & Hunter 2013).

Risk to families and children are especially high when parents are ensnared by the criminal justice system. The cases of Postville, Iowa, and New Bedford, Massachusetts, in which hundreds of Maya (many of them parents of U.S.-born children) were deported after workplace arrests in what a decade ago were the largest immigration raids the U.S. had yet seen, resulted in family disintegration, loss of income and childcare, and subsequent difficulties in obtaining basic needs for children. The harms of an enforcement regime that has separated families, caged children and tolerated unwanted diversion into foster care continue to haunt and harm thousands of children and families, many from Mesoamerican communities where family integrity has been central to life itself.

Continuing Challenges Of Intergenerational And Transnational Realities

Transnational migration requires re-creating social arrangements for family functioning, not only in response to changes in locations but also, as in the case of Guatemala and the United States, within a thorny political context. Determination to provide family connectedness is seen in various cross-border communication and caring
practices. But experiences of separated Maya families also reveal considerable obstacles facing families south and north in their struggle to improve lives of their children.

Poor employment prospects, insufficiency of arable land, and systemic racism continue to be problematic in highland communities. As an Aguacatec woman reported in 2019, families still make the arduous trip north, as they did a decade ago: “If we stay, we will starve to death. In both rural and urban areas, there is malnutrition and no jobs. It hasn’t rained, many homes haven’t had a corn harvest, and there’s no work.” Separations can be occasions for women to realize agency within changing family structures, yet this woman’s perspective also reveals the uncertainty of depending on transnational arrangements. With remittances halved, and her father and brother spending much of their time locked in their apartment, fearful of deportation, she laments lost dreams of building a house and creating a new business, and predicts even more women will accompany or join husbands in the United States: “Parents may only take one or two of the youngest children, until they make some money, and leave the older ones since they don’t need as much care.” Concerns also revolve around rebellion and eroded ability of grandmothers and aunts to control teens. For their part, youth are increasingly included in immigrant narratives, as decreasing school enrollment (dropping 20% in just the last year) suggest. Fighting for better living conditions, along with possibilities for migrating, appear to be increasingly and yet also disheartening sentiments.

As in Guatemala, children in the United States are also impacted by kin-making practices and psychological wellbeing, even as parents and communities are impacted in turn by what their children experience. Access to social measures is beneficial, but children are rarely autonomous or able to access services on their own. Policies and programs call for prioritizing the formative and nurturing roles of families, including parent-child, sibling, and extended kinship relations. This is even more critical when unauthorized people are identified by immigration agencies or subject to detention or removal proceedings. Preventing separations that place parents in remote locations that curtail contact, and children in places or with people who may be new as well, is imperative. Evidence-based treatment services and educational strategies that involve both parents and children are essential. Trusted mentors and community-based approaches that attend to daily and emotional needs of both children and parents are paramount. These will be most effective when they involve social resources and services that span transnationalized societies and governance arrangements.

Despite U.S. immigration policies that marginalize children and families, families also show remarkable resiliency in sustaining individuality and agency. When combined with societal support, their strategies and values have great potential for inclusion and
overall community wellbeing. Never has this been more needed than during migratory and multicultural realities that will continue to define the United States and the world of tomorrow. The Maya are exemplary of transnational and intercultural dimensions that demand acknowledgment, insofar as movement is not only spatial and temporal, but lived through family relations which remain the foundation of communities everywhere.

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Emigrar: “Vale la Pena”

Pablo Marcos Martin

Abstract: In this short but comprehensive essay where prose bridges poetry, Pablo Marcos Martin summarizes the immigrant experience in six steps, and reveals the multiple characteristics and the multiple outcomes of the immigration experience. Originally published in 2006, this essay remains profoundly pertinent to the study of survival migration, including family separation, the journey to the border, consequences of choice and circumstance, and the possibilities for failure as well as for happiness.

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Primer Paso
Salida de la Tierra de Origen: Pena y Tristeza

Quien se dispone a emigrar hacia otro país a trabajar, tiene que elaborar un buen objetivo y metas antes de partir, a qué va; ha mejorar y salir bajo la esclavitud de la pobreza y miseria donde se encuentra. Si piensa ir a buscar un nuevo horizonte, tiene que discernir bien, es un riesgo, en caso de los jóvenes ya sea hombre y mujer, casado, los padres de familia y la esposa tienen que estar de acuerdo con la salida, con quién se va, con quién va a llegar, a vivir, para los casados a la pura fuerza tienen que desintegrarse, abandonando a la esposa sin o con hijos.

En este viaje ha un dinero por medio, quién se va a comprometerse a conseguir prestado y si tiene esta de dispuesto desembolsar la cantidad que va pedir el señor coyote que lleva gente; claro esta tal ves papá, hermano o un amigo muy cercano, el costo aproximado de la salida puede alcanzar unos doce a quince mil quetzales, dependiendo el contrato, quizá con un interés de 10% al 15% mensual; pero sin ninguna seguridad de entrar en ese país, ya sea en los Estados Unidos y Canadá, la suma antes indicada, únicamente te conduce hasta la frontera de la USA.
Segundo Paso

Entrada en Tierra de México: Tremendo Temor y Alegría

Antes de pasar en tierra mexicana, se les da una buena instrucción a los viajeros y una identificación personal, este documento sirve hasta la frontera entre México y Estados Unidos.

Estando más al centro de México, el señor conductor pide a cada uno tres mil dólares para poder llegar al destino, tiene que haber una familia u otra persona trabajando en esa nación que responde por el emigrante en camino, enviar el dinero en vía de western union, a si puede proseguir el viaje, pero sino hay alguien que responde por el dinero, tendrá que regresar atrás el o los que tienen o los dejan extraviados en algún lugar desconocido; para los que son correspondidos continúan el camino hasta llegar a la ciudad llamada Altar, Sonora; o en Tía Juana, etc., es donde se parte al desierto de México hasta llegar a la línea fronteriza de los Estados Unidos, donde está la cerca de alambres de espiga, hay que saltar encima o arrastrarse por debajo, y que hacen con las mujeres embarazadas?

En Sonora se compran los alimentos para unos 3 o 4 días, se camina en la jornada nocturna, en el día se suspende la caminata por el miedo a la migra, al calor y a los Gabachos de Ranchos que viven en las orillas del desierto, con la carga de comida y agua en todo el trayecto desértico, se sufre calor, sed, frío en las noches, cansancio, desvelo, entre tantos lobos huyendo por el hambre, maltratos de los conductores, algunos abusan de sexo a las mujeres que llevan y sino acoso del mismo, y si aparecen las moscas “migras” mexicanos o gringos, se corre dispersos entre los arbustos, tunas, nopales, riscos, cactus, no hay fuente de agua por ningún lado, ni comida, las mujeres no son capaces de caminar y correr tras días y noches, se convierten en alimento de lobos, aparecen huesos de seres humanos en el desierto también ocurren estos casos por las noches, cuando pierden a sus compañeros por correr por el miedo, cuando no hay luna y no se puede usar lámparas ni hacer fuego, la vida desértica es un verdadero calvario.

Si los emigrantes les tocan viajar en trayles o en tren amontonados en un solo lugar, se asfixian porque no hay oxígeno y se mueren en grupos de 10 a 20 personas; a veces atraviesan nadando ríos grandes y lagunas, se quedan ahogados, son comedas de peces y tiburones y nadie por ellos.

Tercer Paso

Llegar en Tierra Norteamericana: Temor y Sorpresa

Al llegar en algún lugar de concentración, los coyotes, si son responsables luego
distribuyan sus clientes hacia los diferentes lugares ya destinados y sino, detienen sus gentes por razones ajenas. Estos señores muchos de ellos se emborrachan durante el lapso del viaje y he ahí resultan los abusos; otros son buenos guíaores, se interesan y respetan a las personas que conducen, y buscan hoteles donde dormir y salen a conseguir donde venden comidas en los Restaurantes y hasta llevan a la casa donde va a llegar cada persona.

Estando a en la casa se descansa unos días para recuperar la energía agotada durante el largo viaje, mientras se consiguen como, donde, con quien y cuando va trabajar, hay diferentes fuentes de labores: compañías de matanzas de res, de polleras, construcciones, yardas, costuras, electricidad, aire acondicionado, introducción e instalación de agua y teléfono.

**Cuarto Paso**

*Nación de las Buenas Oportunidades par Unos y Fracasos para otros*

Por tanto a los jóvenes, señoritas, señores viudos, viudas, casados sin esposas, casados con familia y a los que están en unión libre aquí en los estados unidos, se pregunta: ¿Vale la pena, por haber llegado y están unos años en este país o no vale la pena y sino, a qué viene entonces?

No todos pensamos y actuamos iguales, cada persona es un mundo diferente cuando ya estamos ganando los dólares, unos, luego cancelan los préstamos se obtuvo en Guatemala, en El Salvador, Honduras, etc. Queda libre el papá o la persona que hizo el favor, se sienten felices, pero esa cancelación duro muchos meses hasta anos, si el salario es menos y que aquí se paga todo: renta, comida, lavada de ropa, ida y regreso del trabajo (ride), tarjetas telefónicas, aseguranzas de trabajo y de carro, licencia para manejar, mantenimiento de la renta y carro, etc.

Hay quienes sólo ganan pocos y otros ganan mucho, depende la compañía y el patrón de labor, para los que no tienen vicios alcanzan una mejor superación, mayormente para los jóvenes que se introducen en los centros educativos para estudiar inglés, otros ahorran sus dineros para mejorar la calidad de vida familiar, gente despierta construyen casa de dos o mas niveles compran terrenos, hacen tiendas de comercio, velan la calidad de estudios para sus hijos, ya hay muchos jóvenes universitarios, se hacen profesionales, compran camiones, camionetas y microbuses par transportar negocios y gentes, muchas mujeres abren comedores, se construyen hoteles y hospedajes, otros se asocian aquí en los Estados Unidos para construir carreteras aldeanas, introducción de agua potable, luz y salones de usos múltiples en los pueblos de Guatemala.
Quinto Paso

*No Vale la Pena*

Pero lastimosamente, otros ya no regresan a Guatemala, se quedan como ciudadanos norteamericanos, la patria Guatemalteca está quedando sin habitantes, no se digan de los niños nacidos en este país de las mejores oportunidades, que estudian en los colegios y universidades, tienen toda clase de prestaciones, compran casa propias y se superan en su tierra extraña que no es de su origen, ni modo, así es la vida.

Desgraciadamente, otros paisanos llegan a parar en el vicio, continúen con su vida errónea, trabajan, ganan buen dinero en las construcciones, pero el salario llega a parar en el alcohol, en las drogas, prostituciones, mala salud mental y corporal, se olvida de papás, de su esposa e hijos, ya no pudo cancelar el préstamo, no hubo ahorro y todo es un deshecho, no toma en cuenta los consejos de sus familiares y amigos, que tristeza, que pena hasta incluso regresa a su tierra sin dinero, sin mujer, sin hijos, la mujer se fue con otro hombre y a veces regresan muertos en féretro que se ganó del viaje.

Sexto Paso

*Emigrante Muchas Felicitaciones para ti y a tu Generación*

Hay que tomar en cuenta que somos: paso de aves, no todo es color de rosas; siempre hay alta-baja; somos seres pensantes llena de vida y de felicidades; no hay camino, el camino se hace al caminar; debemos ser creativos para nuestro desarrollo: cambiar lo viejo a nuevo para tener un estilo de vida diferente que los demás; discernir y catalogar lo que es bueno o lo que es malo; incentivar nuestro animo de confianza en alcanzar algo mejor de lo mejor para nosotros y para nuestras generaciones y tener en mente que somos superiores que los otros seres vivientes, podemos cambiar el mundo personal, familiar y comunitario por el medio de nuestras grandes experiencias de vida realizada.

Gracias por leer este relato sobre el Emigrante.