



GUATEMALA: IMMIGRATION DETENTION AND THE TREATMENT OF THIRD COUNTRY NATIONALS TRANSFERRED FROM THE UNITED STATES

**SUBMISSION TO THE UN COMMITTEE
ON THE PROTECTION OF THE RIGHTS OF
ALL MIGRANT WORKERS AND
MEMBERS OF THEIR FAMILIES**

SUBMITTED: APRIL 2026

ABOUT THE GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT THE AMERICAN FRIENDS SERVICE COMMITTEE (AFSC)

The American Friends Service Committee (AFSC) promotes a world free of violence, inequality, and oppression. Guided by the Quaker belief in the divine light within each person, we nurture the seeds of change and respect for human life to fundamentally transform our societies and institutions. In Latin America and the Caribbean, AFSC works on migration, human rights, and peacebuilding, partnering with communities and civil society to address the root causes of forced migration, including violence, inequality, and exclusion, while supporting migrant protection and advocating against policies that externalize migration control and increase vulnerability. We work with people and partners worldwide, of all faiths and backgrounds, to meet urgent community needs, challenge injustice, and build peace.

Guatemala: Immigration Detention and the Treatment of Third Country Nationals Transferred from the United States

Submission to the UN Committee on the Protection of the Rights of all Migrant Workers and Members of their Families

42nd Session, May/June 2026

1. INTRODUCTION

- 1.1 The Global Detention Project and the American Friends Service Committee welcome the opportunity to provide information about Guatemala as part of the Committee on Migrant Workers consideration of List of Issues Prior to Reporting in preparation for Guatemala's report to the Committee.
- 1.2 This submission focuses on Guatemala's immigration enforcement policies and practices, with a particular focus on its recent agreement with the United States to accept deported third-country nationals, as well as its subsequent detention and removal of these individuals, in light of Articles 9,10, 16, 17, and 22 of the Convention.
- 1.3 We also make this submission keeping in mind the CMW's long-standing concerns and recommendations about immigration detention, which it has provided in several important expert opinions and general comments, including in:
 - Joint General Comment No. 4 (2017) with the Committee on the Rights of the Child (No. 23) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return;
 - General Comment No. 5 (2020) on migrants' rights to liberty and freedom from arbitrary detention;
 - Joint General Comment No.8 (2025) with the UN Committee on the Elimination of Racial Discrimination (No. 39).
- 1.4 In each of these analyses, the Committee on Migrants Workers underscores the inherently harmful impact of immigration detention. In the recent General Comment with the Committee on the Elimination of Racial Discrimination (CERD), the CMW and CERD affirm the need to work to end immigration detention measures:

“The Committees recall that immigration detention is always harmful and disproportionate as an interim measure during administrative procedures or in response to an administrative irregularity or infraction. The Committees strongly recommend that States Parties take all appropriate measures

without delay to progressively abolish migration-related detention policies and practices.”¹

- 1.5** In addition, we also draw the Committee’s attention to the UN Special Rapporteur on the Human Rights of Migrants’ report on the externalisation of migration governance, in which he urges states to:

“Abide at all times with the principles of non-refoulement and prohibition of collective expulsion, including at borders and on the high seas” and “Refrain from any measure that would amount to or lead to arbitrary detention, torture and ill-treatment, arbitrary deprivation of life, enforced disappearance and racial discrimination, and ensure that people are able to enjoy socioeconomic rights and the right to leave any country, including one’s own.”²

2. CONTEXT

- 2.1** In June 2025, Guatemala and the United States established an agreement according to which Guatemala agrees to accept Central American nationals from the United States to Guatemala, and that Guatemala could decide whether to consider any asylum or protection requests from these deported individuals.³ On 3 October 2025, the first flight under this agreement arrived in Guatemala from the United States, which included three individuals from Honduras. Since then, deportations have continued. According to Guatemala’s Migration Institute, between January-April 2026, the country has accepted 119 non-Guatemalan deportees from the United States, mostly people from Honduras and El Salvador.⁴
- 2.2** As numerous local and international human rights observers have noted, among the concerns about this deportation arrangement is that it fails to provide any guarantees that that people will not be refouled by Guatemala or receive adequate consideration of their protection needs. Observers have also emphasised the critical risks deportees may face in Guatemala, which has important institutional

¹ Committee on the Elimination of Racial Discrimination Joint General Recommendation No. 39 (2025) of the Committee on the Elimination of Racial Discrimination and General Comment No. 8 (2025) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on Thematic Guidelines for Eradicating Xenophobia Towards Migrants and Others Perceived as Such, CERC/C/GC/39-CMW/C/GC/8, 3 February 2026, <https://docs.un.org/en/CMW/C/GC/8>

² Special Rapporteur on the Human Rights of Migrants, “Externalization of Migration Governance and its Effect on the Human Rights of Migrants,” A/80/302, 4 August 2025, <https://www.refworld.org/reference/themreport/unga/2025/en/151182>

³ “Agreement Between the Government of the United States of America and the Government of the Republic of Guatemala Relating to the Transfer of Nationals of Central American Countries to Guatemala,” 15 July 2025, <https://www.federalregister.gov/documents/2025/07/15/2025-13216/agreement-between-the-government-of-the-united-states-of-america-and-the-government-of-the-republic>

⁴ El Tiempo Honduras, “63 hondureños son deportados desde Estados Unidos hacia Guatemala,” 21 April 2026, <https://tiempo.hn/noticias-de-usa/2026/04/21/hondurenos-deportados-desde-ee-uu-hacia-guatemala/>

and social challenges, including a backlogged asylum system, surging gang violence, and dwindling international humanitarian support.⁵

- 2.3** There is also precedent in the former of an earlier agreement between the two countries that indicates the vulnerability of these recent deportees to refolement. As Refugees International and Human Rights First report on their Third Country Deportation Watch website, “In early 2020, Salvadorans and Hondurans transferred to Guatemala pursuant to a 2019 Asylum Cooperative Agreement between the United States and Guatemala were compelled to give up their claims and return to their home countries despite their fear of persecution there. The 2019 ACA was terminated in 2021 and a new agreement could require Congressional approval in Guatemala under the Guatemalan Constitution.”⁶
- 2.4** Based on the small amount of information that has been made publicly available, it appears that upon arrival in Guatemala, deportees are initially briefly processed at the Guatemalan Migration Institute’s “Centro de Reception de Retornados.” Third country nationals are then transferred to a detention centre called that Migrant Care Center for Foreign Migrants, known as CAMIEX (“*Centro de Atención Migratoria Para Migrantes Extranjeros*”), where they are held pending their removal to their home countries. However, according to partners in Guatemala, the Guatemalan government has released scarce information about the processes individuals face before they are deported and whether asylum or other protection requests are being properly assessed.

3. BACKGROUND

- 3.1** There are long standing concerns about Guatemala’s treatment of undocumented migrants and asylum seekers, including in particular the conditions of detention, as well as questions about its cooperation with the United States to block migrants, which dates back nearly 30 years. The Committee on Migrant Workers has also repeatedly underscored reports of abuse in immigration detention and issued recommendations.
- 3.2** The CAMIEX detention centre, which has also been referred to as a “shelter” (or *albergue*) and is located in the Zone 5 of Guatemala City, has faced repeated criticism over conditions. A 2019 report by the Guatemalan Ombudsman (*Procuraduría de los Derechos Humanos de Guatemala*) highlighted that families from Iraq and Yemen were being held in the centre and that the duration of their

⁵ Human Rights Watch, World Report 2020/21: Guatemala, <https://www.hrw.org/world-report/2020/country-chapters/guatemala>

⁶ Third Country Deportation Watch, “Guatemala,” <https://www.thirdcountrydeportationwatch.org/guatemala>

detention had not been defined. The report also noted that conditions within the facility were inadequate for children and adolescents.⁷

- 3.3** In its 2019 Concluding Observations, the CMW expressed concern regarding the insufficient disaggregated statistics on inter alia, migrant workers in an irregular situation and migrant workers in detention. The Committee thus recommended that the State party: “verify the information on detained migrants and on unaccompanied migrant children and compare this information with that of neighbouring countries and destination countries.” The Committee also recommended the phasing out of “all migration-related measures of deprivation of liberty and making any deprivation of liberty absolutely prohibited for children and adolescents. The Committee also [recommended] that the State party apply alternative measures for unaccompanied minors and that it places them in care centres run by personnel specialising in children.” Earlier, in 2011 the CMW urged Guatemala to improve conditions at the facility, ensuring the provision of basic social services, including food, healthcare, and hygiene conditions, and to ensure that men and women are duly separated.
- 3.4** It is also important to emphasise Guatemala’s long-standing cooperation with the United States, enabling the US to externalise its migration controls into Central America. As far back as the 1990s, Guatemala began authorising the United States to patrol its Pacific coastline, and there have been cases where US Coast Guard towed interdicted vessels into Guatemalan ports, where migrants were disembarked and detained in ad hoc locations. Commenting on these cases at the time, a representative of Guatemala’s Ombudsman’s office said in an interview: “When the [US Coast Guard] intercepts these boats, it often asks Guatemala to accept the migrants on humanitarian grounds. But it really isn’t for that. The fact is, other countries either don’t accept U.S. policies or don’t want the migrants, so the United States turns to Guatemala.”⁸
- 3.5** In some cases, the U.S. has paid Guatemala to detain third country migrants indefinitely. In one case from 2001, reports revealed that the US embassy had paid Guatemala to detain a large group of migrants from India in a dilapidated hotel in the centre of Guatemala City.⁹

4. RECOMMENDATIONS

- 4.1** Guatemala’s current and past record in detaining migrants and working with the United States to externalise migration controls raise serious questions about its

⁷ Procuraduría de los Derechos Humanos de Guatemala, “Informe Anual Circunstanciado de Actividades y de la Situación de los Derechos Humanos,” 2019, <https://www.pdh.org.gt/documentos/informes/informes-anales/3859-informe-anual-circunstanciado-pdh-2019/file.html>

⁸ M. Flynn, “Donde Esta La Frontera,” *Bulletin of the Atomic Scientists*, July/August 2002, <https://www.globaldetentionproject.org/donde-esta-la-frontera>

⁹ M. Flynn, “Donde Esta La Frontera,” *Bulletin of the Atomic Scientists*, July/August 2002, <https://www.globaldetentionproject.org/donde-esta-la-frontera>

commitments under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in particular with respect to Articles 9,10, 16, 17, and 22. We thus encourage the Committee to request that Guatemala address the following in its upcoming report to the Committee:

- Provide a full account of the procedures it has followed to ensure that any deprivation of liberty of non-nationals is grounded in clear, accessible legal provisions, is non-automatic, and is subject to individual assessment of necessary and proportionality by first assessing whether any alternative measures short of detention may be sufficient to complete the intended immigration procedure.
- Describe the measures it has taken to ensure that third country nationals it has accepted from the United States are not unlawfully refouled back to their home countries, where they may face persecution.
- In light of the UN Special Rapporteur on the Human Rights of Migrants' recent report on the human rights challenges inherent in externalisation schemes, has Guatemala considered the full legal and social impact of its third-country deportation agreement with the United States and has it considered ending its engagement with that scheme in order to ensure that it is meeting both its national and international legal commitments?
- Describe any proposals it has considered to curtail immigration detention measures with a view to eventually eliminating such measures, taking into account the CMW's and CERD's recent Joint General Comment, in which they *“strongly recommend that States Parties take all appropriate measures without delay to progressively abolish migration-related detention policies and practices.”*
- In line with previous recommendations issued by the Committee on Migrant Workers, including in the CMW's Concluding Observations from 2019, what steps has Guatemala taken to ensure that it is collecting sufficient disaggregated statistics on migrant workers in an irregular situation and migrant workers in detention.
- Describe measures to ensure that conditions in immigration detention—when it is strictly necessary as a last resort according to international human rights standards—complies with international standards, including adequate sanitation, bedding, nutrition, healthcare, and protection from disease; and ensure that conditions do not amount to cruel, inhuman, or degrading treatment.
- Describe measures to ensure detainees' access to legal counsel, interpretation, and communication with family members, including access to phones and internet services-